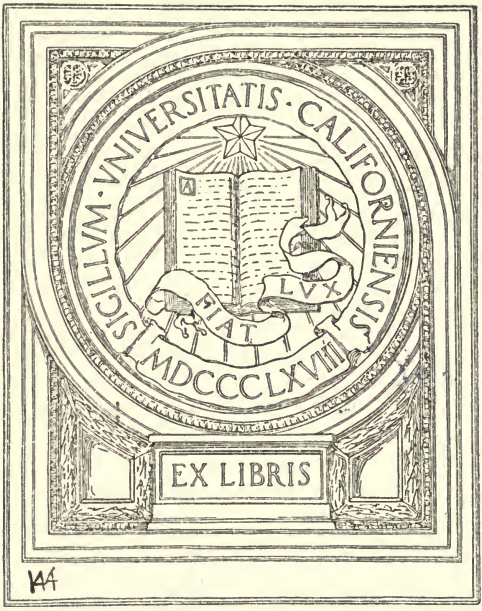
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Edited by

Ellis Paxson Oberholtzer, Ph. D.

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Charles Sumner

AMERICAN CRISIS BIOGRAPHIES

CHARLES SUMNER

by

GEORGE H. HAYNES, Ph.D.
Professor of History in the Worcester Polytechnic Institute

PHILADELPHIA
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PREFACE

TIME has dealt very differently with the leading characters in the great drama of the nineteenth century. At the end of the war, in the opinion of the best informed and most judicial historian of the period, Abraham Lincoln and Charles Sumner were "the two most influential men in public life." On the very day of his death, the President intimated that the thwarting of his reconstruction policy had been due to Sumner's opposition.

To-day Lincoln's name is a household word; his memory is revered hardly less in the South than in the North; the new generation understands and appreciates him far better than did the men among whom his work was done. But Sumner's figure has been crowded into the background. Ask intelligent men of affairs born since 1860 for an account of his character and career, and few will recall more than that he was an anti-slavery orator, whose assault by Brooks in the Senate chamber greatly intensified the bitterness between North and South. What manner of impress Sumner is making upon yet younger America was tested a few months ago in the examination of applicants for admission to a Massachusetts college. Not one in ten of those boys in the commonwealth which Sumner had so long and so honorably represented, showed any intelligent knowledge of the man. One replied: "Charles Sumner was always held in respect even

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by the people of the South. Fort Sumner, Charlestown, was named in his honor,"—an honor which several of the other papers also accorded him! Of six histories of the United States in use in leading secondary schools, two leave Sumner insensible at Brooks's feet, two others have not a word to say of any act of Sumner's after the assault, while the others go little further than to state the bare and barren facts that he held tenaciously to a peculiar theory of reconstruction, that he strove to secure equal civil rights for the freedmen, and that he quarreled with Grant.

Some reasons for this lessened interest in Sumner are not far to seek. Unlike Lincoln, he outlived his best days. His most characteristic and beneficent labors belonged to the epoch closed by the war; their fruits were merged in its triumphs. His later years brought misfortunes in full train: domestic sorrow, racking illness, the loss of friends and ceaseless struggle over the problems of reconstruction, with some of which he was little fitted to cope. Sumner had his foibles and faults; no attempt has here been made to gloss them over. He made mistakes, some of which were fraught with disaster. Nevertheless, I believe that he deserves of his country a more grateful remembrance than has been accorded him, and that both a true historical perspective and the inculcation of virile American ideals call upon the writers and teachers of history to bring Sumner forward into clearer light.

The task of writing a brief biography of Sumner is made difficult not by the lack of material, but

rather by its abundance. From the hour of his election to the Senate, Sumner never doubted that he was an historic personage. He devoted an enormous amount of time to editing his *Works:* in these fifteen volumes of his speeches he meant that we should read his life as he saw it related to the great events in which he was taking part. Thousands of letters written by him are preserved. In the Sumner Collection in the library of Harvard University are 40,000 letters received by him from men of leading in many lands, as well as newspaper clippings and documents in rich profusion.

Sumner was fortunate in having as his biographer Mr. Edward L. Pierce, who for thirty years had been his intimate friend. His *Memoir and Letters of Charles Sumner* is a marvel of research hardly equaled in painstaking conscientiousness and completeness by any other biography of recent years. Its four bulky volumes represent nineteen years of almost unremitting labor, and contain but a quarter part less reading matter than the Nicolay-Hay biography of Lincoln. But the very completeness of Mr. Pierce's work bars its use by any but the specialist. It is "conceived on a scale which assumes in the reader an interest in the subject, and an indifference to toil, commensurate with those of the author. . . . Life simply does not suffice for literature laid out on such a Brobdingnagian scale; all sense of proportion is absent from it."[1] Mr. Pierce himself justified the scope of his work on the ground that a complete biography would prove "a thesaurus which

[1] C. F. Adams, *Lee at Appomattox and Other Papers*, p. 147.

can be drawn upon by the authors of briefer lives." Certain it is that more than one biographer of Sumner has sunk his shafts deep in Pierce's *Memoir* while paying surprisingly scanty royalties of acknowledgment for the ore extracted.

Whatever value may be possessed by any later life of Sumner must consist far less in its discovery of new material than in its perspective, its point of view. Thirty-five years, a full generation, have passed since Sumner's death. His work has been put to the test in the searching fires of reconstruction. Day by day our dealings with the peoples of our new insular possessions are bringing into question doctrines which Sumner held to be absolute and impregnable. Experience in South Africa is proving to-day how rapidly trust may make friends out of conquered foes. The time may have come for a new attempt to tell the story of Sumner's life and to appraise his service.

Unfortunately the second volume of "The Letters and Journals of Samuel Gridley Howe" and "The Diary of Gideon Welles" were not available until most of this book was in type.

Among the many who have helped me from their personal knowledge of Sumner, I wish to mention here with special gratitude Dr. Edward Everett Hale, whom we all mourn, Dr. Samuel A. Green, President Andrew D. White, and Mr. Arnold B. Johnson, who during most of Sumner's public life was his secretary and intimate friend.

G. H. H.

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CHRONOLOGY

1811—Born in Boston, Mass., January 6th.

1826—Enters Harvard College. Is graduated, 1830. Student in Harvard Law School, 1831–1833.

1834—Visits Washington, and is strongly repelled by political life as a career. Admitted to the bar, and begins practice in Boston. Edits legal journals and reports. Intimate with W. E. Channing and Francis Lieber.

1837–1840—European tour, which immensely broadens Sumner's horizon, awakens his appreciation of art, gives him facile command of French, German and Italian, a knowledge of the politics and jurisprudence and an intimate acquaintance with many of the leaders in public life and in letters in England, France and Germany,—an indispensable preparation for his unsuspected career.

1842—Maintains the "right of inquiry." Coöperates with Dr. Channing in condemning Webster's treatment of the *Creole* case.

1843—Defends Mackenzie's action in the *Somers* mutiny. Becomes instructor in the Law School. Contributes frequently to the *Law Reporter*.

1845—Coöperates with Horace Mann for the improvement of the system of public education in Massachusetts. July 4th, delivers the city oration, "The True Grandeur of Nations," which straightway gives him more than national fame as an orator, and as a champion of Freedom and of Peace. Phi Beta Kappa Address at Harvard. Gains prominence as lecturer and reformer. Prison Discipline debates give valuable training, but arouse enmity.

1847—Denounces R. C. Winthrop's vote in Congress on the Mexican War bill. The controversy puts Sumner forward as the champion of the Conscience Whigs, and antagonizes conservatives. Is nominated for Congress, but withdraws his name.

1848—Active in the organization of the Free Soil party, in revolt at the Whig nomination of Taylor.

1851—Put forward by the Free Soilers in coalition with Democrats, for the United States Senate. Elected by majority of one vote, after a deadlock in the legislature of more than three months. Takes seat in Senate. In first speech—a tribute to Kossuth—he opposes any belligerent intervention in European affairs.

1852—In first formal Senate speech, arraigns Fugitive Slave Law: "Freedom national: Slavery sectional."

1854—Opposes repeal of Missouri Compromise. Vindicates petition of New England clergy. Opposition angers Southern senators. Assails Knownothingism.

1856—Angered by Sumner's speech, "The Crime Against Kansas," Preston S. Brooks assaults him in the Senate chamber, May 22d. After months of invalidism Sumner is welcomed home, November 3d, as the martyr of free speech, by the governor of the commonwealth, the mayor of Boston, and a vast throng of citizens. 1856–1859 spent in disheartening struggle for health. Meantime Massachusetts reëlects him to the Senate.

1859–1860—Return to the Senate. "The Barbarism of Slavery." Takes the stump for Lincoln.

1861–1862—Unyielding in opposition to all schemes of compromise. Made chairman of Foreign Relations Committee. In October, 1861, the first statesman of prominence to demand the policy of emancipation. In *Trent* case, insists on surrender of Mason and Slidell. Puts forward his theory of reconstruction by Congress in states which had "become *felo de se.*"

1863—Third election to Senate. Puts stop to letters of marque and reprisal. Blocks resolutions which would have embroiled United States with France. Important correspondence with Bright, Cobden and the Duke of Argyll. Cooper Institute speech on "Foreign Relations."

1864—Struggles to secure equal rights, including equal suffrage, for colored people. Initiates movement for civil service reform. Champions Lincoln's reëlection, after "the Chicago treason." Secures Chase's appointment as Chief-Justice.

1865—Opposes retaliation in war, and imposes restraints in the interest of civilization. Obstructs Lincoln's plan of reconstruction. Accompanies the presidential party to Richmond. Is at Lincoln's death-bed. Delivers the eulogy upon Lincoln before Boston city government.

1865–1869—Struggles over reconstruction. Advocates equal suffrage, free homesteads and free schools for Negroes. Death of mother. Marriage. Chief supporter of Alaska purchase. Establishes new home in Washington. Heartily supports Johnson's impeachment and conviction.

1869–1871—Fourth election to the Senate. Opposes Fifteenth Amendment. Prevents confirmation of Stewart as Secretary of the Treasury. Approves Motley's appointment as Minister to England. In speech against ratification of Johnson-Clarendon Convention, sets forth "national claims" against England. Opposes annexation of San Domingo, and thus antagonizes Grant and Fish. Removed from chairmanship of Foreign Relations Committee. Advocates ratification of Treaty of Washington. Persistent in urging Civil Rights Bill.

1872—Opposes Grant's renomination, but takes no part in furthering the Liberal Republican movement. Arraigns Grant in the Senate. Supports Greeley. Last journey to Europe. Illness compels absence from Senate. Presents "Battle-Flag" resolution. Censured by Massachusetts legislature.

1873—Defeat of movement to rescind censure. Sumner urges justice to Spain in *Virginius* case. Makes last appeal for Civil Rights Bill.

1874—Massachusetts legislature rescinds censure. In last speech in Senate, Sumner urges national, instead of international, commemoration of American independence. Illness. March 10th—his last day in Senate—is present when the rescinding resolution is presented. Dies, March 11th. Buried in Mount Auburn, March 16th. Commemoration in Congress, April 27th. Lamar's tribute.

CHARLES SUMNER

CHAPTER I

PARENTAGE AND YOUTH

CHARLES SUMNER came but slowly to a knowledge of himself. His life was more than half spent before he recognized his real task. The career which then suddenly opened before him was a surprise even to himself, yet it was no accident. From the beginning, both heredity and environment, physical, intellectual and moral, had been developing in him a unique combination of powers of mind and heart. When the crisis came which called him to service, it found him fully armed for the fight.

William Sumner, the first of Charles Sumner's American ancestors, was a native of St. Edburg in the county of Oxford, England. At the age of thirty he moved with his wife and three sons to the town of Dorchester in the Massachusetts Bay Colony. In this little community, which had been founded only five or six years, William Sumner soon came to be a man of influence. He was admitted to the freedom of the colony in 1637 and acquired a grant of land. He was elected to important offices in town and colony, and for many years

acted as a commissioner to "try and issue small causes." From him in the seventh generation descended Charles Sumner.

With two exceptions the intervening ancestors need not here be noted. These Sumners of Dorchester and Milton were generally farmers, in moderate circumstances, and with families of patriarchal numbers. Among all these sturdy forebears of Charles Sumner there is but one to whom life offered much of variety or romance. Charles Sumner's grandfather bore the singularly inappropriate name of Job. When he was seventeen years old, his father died, leaving a widow and twelve children. After working a year upon a neighbor's farm, Job Sumner determined to get a liberal education. The preparation cost him a hard struggle, but he finally secured admission to the freshman class of Harvard College. Six months had not passed when the news of Lexington entered this scholarly retreat. Forthwith the college betook itself to Concord, in order that its dormitories might be turned into barracks for the Continental Army. But books had lost their lure for Job Sumner; he remained behind, and joined the army, receiving the rank of ensign. As a reward for distinguished service in command of one of the armed vessels on Lake Champlain, he was presently made a captain. In 1779 it fell to him for some time to have charge of the guard over Major André, who was then under sentence of death, and for whom he came to have a sincere

regard. In 1783 Major Job Sumner was in command of the forces which guarded New York during the evacuation of the British troops, and at the end of that year it was from Sumner's detachment that Washington received the last military salute of the Revolutionary Army. Though he had never entered her class-rooms since the outbreak of the war, in 1785 Harvard College was proud to enroll him in the class to which he had belonged, and to confer the degree of Master of Arts upon "Major Job Sumner, . . . who, during the war, behaved with reputation as a man and as an officer."

In 1785 he was appointed by Congress "a commissioner for settling the accounts between the Confederation and the State of Georgia," a task which occupied him until the time of his death in 1789, aged thirty-five. At his funeral in New York the regard for him as a public servant was shown by the attendence of the Vice-President, the Secretary of War, and the senators and representatives in Congress from Massachusetts.

Job Sumner was a red-blooded man. He loved the life of a soldier. He made friends readily, entertained freely, and was easily imposed upon, his generosity of mind and of purse leading to his being seriously embarrassed through imprudent loans to friends. That he touched life at many points is indicated by the variety of his reading. In those days of few books, his collection included an eight-volume edition of Shakespeare, "Don Quixote," "Junius," "The Wealth of Nations," "Anecdotes

of Dr. Johnson," a "History of England," and Lord Chesterfield's "Letters to his Son." The last is significant, for in this brave, adventurous and capable man nothing is more admirable than the anxious solicitude and shrewd sense which appear in the Chesterfieldian letters written to the teachers to whom he had entrusted his son's education.

From the academy at Andover this son, Charles Pinckney Sumner, entered Harvard College and was duly graduated in 1796. A number of effusions, for the most part in stiff and stilted verse, are the principal memorials of his student days. They deal with lofty themes and show genuine fineness of feeling. Four lines from "The Compass" are significant, for they hold up the very ideals, peace and freedom and equal rights, to which his famous son's life was to be devoted:

> "More true inspir'd, we antedate the time
> When futile war shall cease thro' every clime;
> No sanction'd slavery Afric's sons degrade,
> But equal rights shall equal earth pervade."

Upon leaving college, the young man seemed to have no decided bent; he taught school for a few years, then studied law, and in the year 1799 took a desk in the office of Josiah Quincy. Shrewd Job Sumner had urged that at the academy his son should learn "eloquence and manners, as well as wisdom and the languages," adding, "I lay great stress on the first two accomplishments, because I think them very essential, and by far the

most difficult for Charles to attain." Conscientious in all things, he did attain eloquence and manners, but both were heavy and came only with obvious effort. Like John Quincy Adams and many other young men, he broke away from the Federalist party; his speeches and letters show that the feeling which chiefly dominated his politics at this period was opposition to the aristocratic and sectionalizing tendencies of the Federalists, who seemed to him "disposed to erect New England into a separate government." In later life, perhaps because of his official position, he ceased to take much interest in party politics.

In the spring of 1810 Mr. Sumner was married to Relief Jacob, in the modest frame house which he had hired at the southeast corner of what are now Revere and Irving Streets, in Boston. Here all but the youngest of their nine children were born. Years later they removed to No. 20 Hancock Street, which remained the home of the family until 1867.

Mr. Sumner's legal practice was not successful. He was deeply learned in the law, but his painstaking study and note-taking did not fit him for effective court or office practice. As a result, he came to be mainly a collector of small bills. By 1819 his children numbered five; his income was making no gain, and the problem of educating his sons and daughters became a pressing one. With a hope of bettering his finances, he dropped his practice to become a deputy sheriff,—an office

which, however, then yielded less than one thousand dollars a year. The turn in the tide of his affairs came in 1825 when Governor Lincoln appointed him Sheriff of Suffolk County, a position which he continued to hold by appointment of successive governors until a few days before his death in 1839. He had nothing of Job Sumner's ease and cordial friendliness with strangers, and neither courted nor won popularity; but men upon the bench bore witness to his fidelity and efficiency, and the governors kept him in office because of his sterling merit, notwithstanding some popular opposition.

For his services as sheriff, including the custody of the county jail, he received from $2,000 to $3,000 a year, which enabled the family to live far more liberally and even to make some accumulation. He took his new duties, like everything else, most seriously; he delved into the remote history of the development of the office both in England and America, and showed true Sumner tenacity in maintaining with dignity his own opinion as to the nature and scope of the sheriff's powers in opposition to the view taken by the Supreme Court.

He renounced his early connection with the Masons, and took an active part in the anti-Masonic movement. The temperance question aroused his interest, and he lectured upon it, denouncing the licensing of liquor-selling as immoral. He was an early and urgent advocate of public school improvement. But the cause which appealed to him most strongly was the anti-slavery movement. He did

not publicly ally himself with the Abolitionists, but he was outspoken in his condemnation of slavery, and unusually far-sighted as to its consequences. A neighbor recalled his remarking as early as 1820, "Our children's heads will some day be broken on a cannon-ball on this question." In private and in official intercourse he treated negroes with studied courtesy and kindness. Charles Sumner's extreme views of human equality came naturally to the son of a man who condemned social aversion to the negro and the exclusion of negro children from the public schools; who said that he should be "entirely willing to sit on the bench with a negro judge"; and who put himself on record against the law prohibiting the intermarriage of blacks and whites.

With Sheriff Sumner religion was less a matter of creed than of honorable living. In his early years he attended Trinity (Protestant Episcopal) Church, but after 1825 the family occupied a pew in King's Chapel (Unitarian). He had no sympathy with sectarianism, and condemned in word and practice the fanatical antagonism of his day against Roman Catholics. The dominant note in his character was an almost morbid conscientiousness. In his home, not less than in his official duties, he was formal and punctilious; his children's manners and education received his anxious care. He aroused in them his own love of history and of varied knowledge. But, especially in his later years, life took on a gloomy tone. He gained no new friends and "his rigid and cheerless nature was not one which makes

a happy home." The love which he received from his children had more of dutifulness than of warmth.

Upon the maternal side, the first of Charles Sumner's American ancestors was Nicholas Jacob, of Hingham, England, who established himself in Hingham, Massachusetts, in 1633. From him descended a line of thrifty farmers, the fourth of whom was David Jacob, Sr., a man of broad acres, who was often called to office, and who served during the Revolution on the Committee of Public Safety. His granddaughter, Relief Jacob, at the time when Charles Pinckney Sumner married her, had for some years been supporting herself as a seamstress, and from this early experience she brought to her new home a talent for shrewd household management, much needed where the income was so small and the family rapidly growing. Mrs. Sumner was a most devoted mother. It fell to her lot to care for three of her daughters through long and fatal illnesses; of her nine children but two, Charles and his youngest sister, survived her. Yet through her long and arduous life she kept her poise as a woman of strength and cheer, the family's unfailing source of help and encouragement.

Charles Sumner and a twin sister were born January 6, 1811, the eldest of Sheriff Sumner's nine children. The Boston of his boyhood days he recalled in after years as a "neat, trim, well-ordered place" of about 40,000 inhabitants. It was a prosperous and conservative community, with Faneuil Hall still the scene of its town-meeting government.

Its population was homogeneous as compared with that of to-day, and wide social contrasts were unknown. As a man of education and a holder of responsible office, Charles Pinckney Sumner associated with cultivated people, but his narrow means and possibly his politics constituted a barrier to the family's moving among those of most wealth and influence.

The first steps in the boy's education were taken in a private infant school taught by his mother's sister in a room of the Sumner house. It was at first the father's intention to have him taught only in English branches, that he might the sooner be fitted to eke out the family's slender income. But when he found that with chance pennies the boy had bought from a classmate some elementary Latin books and had been studying them to good purpose, he relented, and in August, 1821, Charles was entered for a five-year course at the Boston Latin School. Among his schoolmates here were not a few with whom he was to be closely associated in later life: Robert C. Winthrop, George S. Hillard, James Freeman Clarke, Samuel F. Smith, and Wendell Phillips. They remembered him as an overgrown and a rather awkward boy,—"Gawky" Sumner, the fellows dubbed him. He was pure of mind and speech, thoughtful and retiring, fond of his fellows, and well liked by them. He cared little for most sports, but was enthusiastic over swimming. He was always a bookworm, and, although his standing in his class was rather low, he

frequently surprised the boys with stray bits of information which he had come upon in his browsing. Perhaps at the instigation of his father, who was an inveterate filler of note-books, at fourteen years of age he compiled a summary of English history from Cæsar's invasion to 1801, in nearly ninety manuscript pages. It is a relief to note that he was still enough of a boy to embellish it with the title: "A Chronological Compendium of English History, by Charles Sumner. Copyright secured. Boston, 1825." A year later he was reading Gibbon, and copying passages which struck his liking. Meantime, although his scholarship did not show any exceptional promise, he won several prizes for translations and for English composition. As one of the six boys to receive Franklin medals at the end of his course, it was his privilege to attend the banquet that afternoon in Faneuil Hall, at which most of the dignitaries of the new city were present, and to listen to an address by President John Quincy Adams. Three weeks earlier he had crowded his way into that famous hall to hear a part of Webster's oration on Adams and Jefferson. The associations of that historic forum and of those famous statesman-orators cannot have failed to make a deep impression upon a boy of his latent powers.

As the end of his Latin School course drew near, his father was much perplexed over the problem of his further education, particularly as there were now seven other children whose future must be considered. Accordingly he sent a long letter of in-

quiry, in the boy's writing, to the head of the "American Literary, Scientific, and Military Academy" at Middletown, Conn. He referred to his eight children, "to all of whom I wish to give a useful but not what is commonly called a learned education. My means enable me only to think of usefulness." He added: "But, sir, if I send him at all, it must be on a footing of those who seek *employment*," and he made careful inquiries as to the nature of the employment there available;—whether it would be disagreeable to the boy's feelings, or of such a menial nature that it would "injure him in the estimation of those lads who are now his associates, among whom he is destined to earn his living, and, I hope, sustain a respectable rank." Three weeks after the sending of this letter, however, a new face was put upon the situation by the appointment of Charles Pinckney Sumner to the position of Sheriff of Suffolk County. This opportune appointment led him to look upon Governor Lincoln as his "greatest earthly benefactor" for the reason that without it he would "not probably have sent a son to college." He now made application to the Secretary of War for a West Point cadetship for his son, giving Daniel Webster and Joseph Story as his own references. In this letter he says of the boy: "He is exceedingly well acquainted with history and geography, both ancient and modern. He knows the scenes of many of the distinguished battles of ancient and modern times, and the characters of the heroes who figured in them. He has a strong

sense of patriotic pride, and a devotion to the welfare and glory of his country. He is now at the Latin School in Boston, and in August next will be qualified to enter the University at Cambridge. He prefers the Academy at West Point." Years later Mr. Sumner again declared that it had been Charles's wish to enter West Point, "but I perceived it to be a hopeless undertaking to procure his admission." This youthful aspiration for the life of the soldier is the more interesting in one who in his maturer years became a most passionate apostle of universal peace. With the betterment in the family finances, Sheriff Sumner seems to have given up his former belief that for Charles "the life of a scholar would be too sedentary and inactive." In September, 1826, Charles Sumner was enrolled as a freshman in Harvard College, with which thereafter to the day of his death he was so intimately associated that his schoolboy longings for West Point seem almost incredible.

He was now fifteen years of age, one of the youngest in his class. His rapid growth had made him somewhat ungainly in bearing; he was diffident, yet by no means lacking in dignity. Excellently trained in the Latin School, he soon distinguished himself particularly in translations from the classics. In history, literature and forensics he excelled, showing great earnestness and self-possession in debate. But for mathematics and kindred subjects he had not the slightest aptitude. It is recalled that in one recitation he flunked dismally, saying: "You know

I don't pretend to know anything about mathematics!" "Sumner! Mathematics! mathematics!" cried the instructor. "Don't you know the difference? This is not mathematics! This is physics!" Disgusted by his failures, he soon began to slight the irksome subjects, devoting himself with zest to miscellaneous literature. This prevented his attaining high rank—he was barely above the average of his class—but none of its members was more widely read, and his phenomenal memory made the harvest of this reading always available. One somewhat unfortunate result was that from this time on his conversation, letters and addresses became overweighted with quotations, particularly from the classics. In the junior and senior exhibitions he had inconspicuous parts; in the former, a Greek dialogue, he extolled the profession of the orator; in the latter, he gave a somewhat discriminating and favorable characterization of Napoleon. In his senior year Sumner won a prize of thirty dollars by an essay of considerable merit; its chief defect was a lack of condensation, for, as one of his classmates said, Sumner was always "too full of matter." With this prize money he bought books,—Burton's "Anatomy of Melancholy," Byron's Poems, "Pilgrim's Progress," Hazlitt's "Select British Poets" and Harvey's "Shakespeare." [1]

[1] These last two were constantly upon his desk in later years. At his death, the Shakespeare was found open at the page where he had marked the lines:

"Would I were dead; if God's good will were so:
For what is in this world, but grief and woe?"

Half the members of Sumner's class were assigned parts upon the commencement stage. But for his father's urging, Sumner would have declined to accept his part, a discussion of "The Religious Notions of the North American Indians."

As a college student Sumner was on good terms with the faculty as well as with fellow students. On only one subject is there record of any friction. Sumner was always tenacious of his own opinion, and then, as in later life, he liked individuality in his own attire. He affected a "cloak of blue camlet lined with red," and a buff-colored waistcoat. Now among the rules of the college as to student's dress was the requirement that the waistcoat be of "black-mixed, or black; or, when of cotton or linen fabric, of white." Accordingly Sumner was several times summoned before the "Parietal Board" and once received formal "admonition for illegal dress." But he persistently maintained that his waistcoat was near enough "white" to comply with the rule, and after repeated efforts to swerve him, the board finally dropped the matter.

In later years his Harvard friends recalled him as a fellow "of buoyant spirits and refreshing sociality, sensitive and considerate, and always ready to take people at their best." He was an enthusiastic member of the Hasty Pudding Club, and retained a friendly interest in it even after he became senator. During his senior year, he and eight of his intimates in the class formed a secret society called "The Nine." Its meetings were held at the rooms of the

members, who in turn presented essays and other literary exercises for mutual criticism.

At the end of his junior year, with four of his classmates he set out upon a tramping trip to Lake Champlain. They left Cambridge in fine fettle one afternoon in the middle of July. At Amherst they found the college still in session; they attended evening prayers and at five o'clock the next morning the college bell again called them to chapel. Striking to the north, they visited Bennington, for, as Sumner phrased it, "We came to visit a spot hallowed in American history,—and to tread that field, sacred to liberty, where the cause of the Colonies first began to brighten." Upon the ground they studied the positions of the American and British forces. The pilgrims then passed on to Whitehall, Ticonderoga and Saratoga. At West Point Sumner presented to the superintendent a letter from his father, introducing this youth who a few years before had preferred the Military Academy to Harvard College. His point of view had already changed, for while he was making a pilgrimage of famous battle-fields, and here marveled at the perfection of the cadets' drill, he acknowledged that his enthusiasm was now "for the mild arts of peace."

This episode in Sumner's student days is of no slight significance as an earnest of his future. He entered upon the trip with a zest which did not flag to the end; to the various historic scenes he brought a thorough knowledge of the events with which they were associated and a kindling imagination that

thrilled him with patriotic fervor. One and another of his companions dropped away ; he alone clung to the plan as originally made, and by himself ascended Mt. Defiance and hunted out the scenes of Burgoyne's retreat and surrender. He was everywhere a keen observer ; industrial methods and opportunities, particularly the advantages of the great canals, impressed him. He was in fine physical vigor : the heat of summer, the chances and changes of farmhouse hospitality had no terrors for him. In a single day he tramped alone thirty-seven miles. This tour was a prelude and a preparation for those extended and broadening European travels of a few years later which were to contribute most essentially, though unexpectedly, to his equipment for the noble public service that lay before him.

CHAPTER II

CHOICE OF A PROFESSION

At the age of nineteen Charles Sumner was graduated from Harvard. He had been a diligent student and his mind was well stored ; he had a high sense of duty and an ambition for service, yet he felt no distinct leading toward any particular profession. Since "chill penury" did not force him at once to become a bread-winner, he remained at home and devoted himself to study, while he wrestled with the problem of choosing a vocation. During this year of self-analysis he took life seriously : he laid out for himself an exacting schedule of work, and held to it, rising soon after five and rarely retiring before midnight. Both society and needed exercise were neglected. His home was a discouraging environment for scholarly work, for he had no other study than the common sitting-room of the whole family, with its nine children. Nevertheless, he read diligently : samples of his self-prescribed regimen were Tacitus, Juvenal and Persius, Shakespeare, Milton, Hume's "Essays" ; and in history, Hallam, Robertson and Roscoe. What greatly impressed his classmates was the grim resolution with which he now set about conquering his college *bête noire*, mathematics, in the conviction that his mental discipline had suffered from his neglect of that line of study. Four hours

of each forenoon he devoted to this rigorous task. He found that he "really got geometry with some pleasure," but confessed that after much "digging among the roots of algebra, those roots, when found, are but bitter"; he stuck to them for four months, however, until he had retrieved his college delinquencies.

As a part of his self-culture Sumner seized every opportunity to hear great orators. He went to Salem to listen to Webster's famous appeal in the White murder trial, and heard several of the statesman's most celebrated speeches. The first meeting of these two, whose careers were to be so closely linked, was significant. "The Boston Society for the Diffusion of Useful Knowledge" offered a prize for the best essay, written by a minor, on commerce. On the evening appointed for the announcement of the result, before a great audience, Daniel Webster, the president of the society, opened the envelope which had accompanied the successful essay, and requested the winner, "Charles Sumner," to come forward. As the slender boy of twenty with intelligent face and shock of curling brown hair stepped upon the platform, America's most distinguished statesman shook his hand cordially, called him his "young friend," and added, with other kindly words, that "the public held a pledge of this young man."

But Sumner found it no easy task to determine how he should set about redeeming that pledge. He was bitterly unhappy at home, for he was mor-

bidly sensitive at being still dependent upon his father. To a classmate he wrote: "I am grateful for the encouraging word you give me. I am rather despondent, and I meet from none of my family those vivifying expressions which a young man always heartily accepts. My father says nought by way of encouragement. He seems determined to let me shape my own course, so that if I am wise, I shall be wise for myself; and if I am foolish, I alone shall bear it." Chance threw in his way an opportunity to try his hand at teaching; he filled a temporary vacancy in a private school where one of his friends was employed. Three weeks sufficed to convince him that he had "a natural aversion to keeping school." "And oh!—*quorum magna pars fui*—the harassing, throat-cutting, mind-dissolving duties: pounding knowledge into heads which have no appetency for it, and enduring the *arguing* of urchin boys, and all those other ills to which schoolmaster flesh is heir!"

For a time he plunged into current politics and became quite a propagandist of the anti-Masonic movement, "pricked on by the wrongs done his father by the Masons"; but in later years he acknowledged that this movement had assumed undue prominence in his inexperienced eyes. Gradually he "brought his resolution to a focus": his life-work should be in the law. Yet the decision was made without conviction or enthusiasm. To a friend already engaged in legal studies, he had recently written: "I fear that Blackstone and his train will

usurp your mind too much, to the exclusion of all cultivation of polite letters. . . . I look upon the *mere* lawyer, a reader of cases and cases alone, as one of the veriest wretches in the world. Dry items and facts, argumentative reports, and details of pleadings must incrust the mind with somewhat of their own rust."

But a few weeks wrought a startling transformation. For a year Sumner had been wrestling with the problem of his future; when once the decision was made that he should study law, hesitation and morbid introspection were at an end. Where his studies should be pursued was not a matter of question. The whole bent of his mind was toward a systematic study of principles: not the lawyer's office, but the university was the congenial field for his labor, and to the Harvard Law School he turned, drawn both by his love for his *alma mater* and by his devotion to Judge Story, his father's warm friend from the days when they were students together at college.

Only forty pupils were then in attendance upon the newly established law school. In so small a group the men were brought into close association, and here—to cite a single illustration—began Sumner's intimacy with Wendell Phillips. But the chief advantage in the smallness of the numbers lay in the educational opportunities which it afforded. Class exercises were not formal lectures, but rather conferences to which both the teacher and his little circle of pupils contributed. During these years

there were but two professorships, and these were held during most of Sumner's course by Joseph Story and Simon Greenleaf. With both of these eminent jurists Sumner was soon upon terms of the closest intimacy, and it would be difficult to overestimate the influence of these friendships. Judge Story came to love him as a son, receiving him in his home as a member of the family. This affection was fully reciprocated. His teacher's beautiful character, his immense learning, his eloquence, his well-earned fame as judge and publicist, all appealed to the ardent disciple and kindled in him intense enthusiasm. The ideal, which through anxious months had been eluding his quest, now stood revealed in the Jurist, and Sumner eagerly "followed after, if that he might apprehend."

Indeed, to his friends it soon became a matter of anxiety lest he be consumed by his own zeal. At twenty he was described as a "great, tall, lank creature, quite heedless of the form and fashion of his garb." Though now six feet and two inches in height, he weighed but 120 pounds; his complexion was not healthy, his eyes were inflamed by much study, and he developed a cough which caused groundless apprehensions, for he was endowed with a splendid constitution. The passionate fervor of the devotee he brought to the pursuit of his "noble profession," sacrificing alike recreation and social engagements. "I wish no acquaintances, for they eat up time like locusts." He declared that the lawyer if he were to be anything but a mere

pettifogger, must know law, history, philosophy, and human nature. This is his schedule of work: "Six hours,—namely, the forenoon wholly and solely to law; afternoon to classics; evening to history, subjects collateral and assistant to law, etc." Two o'clock was his regular hour for retiring, and he was often up with the sun. Such unremitting labor early began to yield fruit. Judge Story said: "He has a wonderful memory, he keeps all his knowledge in order and can put his hand on it in a moment. This is a great gift." Yet some of his friends questioned whether in keeping his mind constantly on the stretch in the effort of acquiring knowledge he were not impairing its power for higher, creative effort.

He was made librarian, a task which he found thoroughly congenial. He catalogued the collection, and no one approached him in knowledge of its treasures. In later years he was remembered as a "slender, bright-eyed youth, with what seems to me an adoring reverence for the hallowed spot, so that his voice was subdued and his touch rested tenderly on the dear books." Yet aside from his regular tasks, Sumner found time to get some valuable experience in writing. He won another Bowdoin prize by a rather diffuse and hastily written paper. Soon, however, "his pen grew stiffer" as a result of a series of articles which he contributed to the *American Jurist*. But as yet his writing showed little of the vigor and vividness which were to be called forth by the great issues of later years.

William Wetmore Story, the celebrated sculptor, who knew and loved Sumner as an elder brother, has left the best picture of the young law student. He describes him as an eager and indefatigable worker, who had not limited his studies to the law, but had ranged with keen interest over the whole field of literature. "He was at this time totally without vanity, and desirous to acquire knowledge and information on every subject." "Of all the men I ever knew at his age, he was the least susceptible to the charms of women. He would desert the most blooming beauty to talk to the plainest of men. This was a constant source of amusement to us, and we used to lay wagers with pretty girls that with all their art they could not keep him at their side a quarter of an hour," and the girls always lost their wagers. "He was an interesting talker, but had no lightness of hand. He was kindly of nature, interested in everything. He was at this time almost impervious to a joke. He had no humor himself, and little sense of it in others, and his jests, when he tried to make one, were rather cumbrous. But in 'plain sailing' no one could be better or more agreeable."

At the conclusion of his courses in the law school, early in January, 1834, Sumner, as a student, entered the office of Benjamin Rand, a lawyer of eminence, in whose conversation and choice legal library the young man found his chief stimulus. He continued making frequent contributions to the *American Jurist.*

But travel was ever one of the most educative factors in Sumner's development, and he could not bring himself to settle down to the drudgery of a law office before taking a trip to Washington, his main object being to attend sessions of the Supreme Court, where his ideal and mentor, Judge Story, was sitting. To the young man of twenty-three it was a most memorable experience. Leaving Boston at half-past three o'clock on a February morning, 1834, by hard labor over the worst of roads, in cold so intense that but for his sister's "tippet" he declared he should have frozen, he reached Hartford at three o'clock the following morning. Before noon he was off again, and in nine hours the forty-mile ride to New Haven was accomplished. His attending morning prayers at Yale College almost made him lose the seven o'clock boat for New York. From here to Philadelphia the trip was by boat except for the thirty-seven miles from Amboy to Bordentown, where Sumner experienced his first railway ride. To his fourteen-year-old sister he wrote: "There is something partaking of the sublime in the sense that you are going at the rate of fifteen miles an hour, drawn by an invisible agent, the contrivance of man, who has sought out many inventions."

In New York he received a cordial welcome from Chancellor Kent, to whom he brought a letter of introduction from Professor Greenleaf. He told Sumner that he "wanted to go to Washington, but if he went should be obliged to see much company,

call upon Jackson, and dine with him perhaps, all of which he could not consent to do." He believed that "Jackson would ruin us." (A few weeks later Sumner was referring to Jackson as "the old tyrant.") He described Kent's conversation as "lively and instructive, but grossly ungrammatical. It is a wonder which I cannot solve, that he is so correct a writer, and so incorrect a converser."

At Philadelphia he formed a friendship, lasting and helpful, with Richard Peters, the reporter of decisions of the Supreme Court. In Washington Judge Story's influence opened to him the rarest of opportunities. All but one of the justices of the Supreme Court were living in the same house and taking their meals at the same table, and here it was young Sumner's privilege to be admitted to their goodly fellowship. Chief-Justice Marshall seemed to him "a model of simplicity; naturally taciturn, yet ready to laugh; to joke and to be joked with." Sumner spent a month in Washington. His chief interest was in the Supreme Court, where one of the most important cases was being tried, with Francis Scott Key and Daniel Webster as opponents, both of whom seemed to the youthful critic scandalously remiss in their preparation. Webster gave him a card entitling him to admission to the floor of the Senate, and here he heard each of the great triumvirate. Clay's eloquence he thought "splendid and thrilling." "His language, without being choice, is strong; but it is his *manner* . . . which makes him so powerful." Calhoun

"is no orator, very rugged in his language, unstudied in style, marching directly to the main points of his subject without stopping for parley or introduction." Sumner found his father's benefactor, Governor Lincoln, who was just beginning a first term in Congress, homesick and much discouraged by the size of the Representatives' Hall, where he could neither hear nor be heard. Sumner wrote long accounts of his experiences both to Professor Greenleaf and to his father, to whom he had to apply repeatedly for funds to meet his expenses of about ten dollars a week. These letters were signed: "Affectionately, your prodigal, Chas."

Despite the wealth of opportunities which Washington offered to an impressionable young man, it made little appeal to Sumner. His first feeling was one of disappointment. "Here I am in the great city, or rather the city of great design, of spacious and far-reaching streets, without houses to adorn them or business to keep them lively, with a Capitol that would look proud amidst European palaces, and with whole lines of poor, stunted brick houses, with stores beneath and boarding above. There is nothing natural in the growth of the city. It only grows under the hotbed culture of Congress." Nor was the political and social atmosphere more congenial to him: "Notwithstanding the attraction afforded by the Senate, and the newspaper fame which I see the politicians there acquire, I feel no envy therefor, and no disposition to enter the unweeded garden in which they are laboring, even if

its gates were open to me; in plain language, I see no political condition that I should be willing to desire, even if I thought it within my reach,—which, indeed, I do not think of the humblest." On the eve of leaving Washington, he wrote to his father: "I shall probably never come here again. I have little or no desire ever to come again in any capacity. Nothing that I have seen of politics has made me look upon them with any feeling other than loathing. The more I see of them, the more I love law, which, I feel, will give me an honorable livelihood."

Not long after Sumner's return from this orienting journey, Judge Story urged him to accept an instructorship in the Harvard Law School. Both of his old professors had looked forward to this association, for success in which Sumner seemed well fitted both by nature and by training. But he was now eager to get into the active practice of his profession, and declined the offer. In November, 1834, he entered into a partnership with George S. Hillard, whom he had known years before in the Latin School. The young lawyers rented rooms on the second floor at No. 4 Court Street, at the corner of Washington Street, and in that building Sumner retained an office as long as he continued to practice law. Among his neighbors here were men of note: Theophilus Parsons, Rufus Choate, John A. Andrew and Horace Mann. Professor Greenleaf made the new office his headquarters in town; Judge Story often called upon his old pupils, and

soon their rooms came to be a much frequented rendezvous for men of legal and literary tastes.

Sumner's legal studies had been most painstaking and he had a large circle of influential friends. In these early years at the bar he met with moderate success; but it was far below what his friends had expected, and he acknowledged his own disappointment. Some of the reasons were not far to seek. He had little liking for the business routine of the lawyer's office. His interest was in legal principles rather than in practice; his mind suited better the vocation of the teacher or judge than of the attorney. In court he was apt to display ponderous learning rather than dexterous marshaling of testimony. Another cause which tended to impair his success was the irregularity of his office hours. For, early in 1835, he had begun to lecture in the law school, in the absence of Judge Story, and for the next two years he continued this work, which often kept him away from his office every other day for months. This teaching proved far more congenial than that of his earlier days. His pupils remembered him as assuming no professional airs, but having a warm sympathy and fellowship with the boys. "He was very good-tempered and fond of youngsters,—at all events as listeners." William Wetmore Story was his favorite pupil, an intimacy which gave great satisfaction to Judge Story. He assisted both Story and Greenleaf in preparing some of their legal texts for the press. For three years he contributed frequently to the *American Jurist;* in the spring of 1836

its editors were announced as Hillard, Sumner and Cushing, the author of works on parliamentary law, a young man with whom Sumner had hired a lodging-room in the same building with his office. This editorial work was of good quality, but it took much time and brought little revenue. Sumner's articles usually dealt with legal writers and books rather than with the law itself, thus further evidencing a bent of mind little suited to active legal duties. Another important task which Sumner undertook was the revising and completing of Dunlap's "Admiralty Practice." His careful study of this subject was of great service in his public life. In later years Sumner came to think that he had allowed himself to undertake altogether too much literary drudgery in these early days of his law practice. The surprising thing is that while his friends and associates were winning distinction as public speakers, and accepting public office, he showed no liking or special aptitude for the platform and found no attraction whatever in politics.

But the thing of most significance at this period of Sumner's life was not his slow rise in his profession, but his widening friendship among men of force and distinction. In Washington he had first made the acquaintance of Francis Lieber, the publicist, with whom he was to enjoy many years of close and helpful intimacy. At this period, also, he came into friendly intercourse with the Rev. Dr. William Ellery Channing, by whom his ideals and view of life were profoundly affected. His editorial

work brought him in touch with eminent jurists, at home and abroad. Most stimulating and helpful of all, however, was the warm friendship which was formed among five young men of ages ranging from twenty-six to thirty,—Cornelius C. Felton, Henry R. Cleveland, Henry W. Longfellow, George S. Hillard, and Charles Sumner. They came together informally several times a month, to talk over common interests and aspirations. Two of the number had already visited Europe, and the others were filled with a keen *Wanderlust*. They were all book-lovers, and had made considerable advances in various lines of literary effort. Good cheer abounded at their meetings, and in its warmth they talked over current books and criticized one another's literary ventures with the utmost frankness and good-will. The gatherings of "The Five of Clubs," as they called themselves, continued for a number of years.

CHAPTER III

EUROPEAN TRAVEL

For years one of Sumner's keenest desires had been to know Europe, and in 1837 this desire, under the influence of Cleveland and Longfellow, became a fixed resolve. The decision to break away from the law office for an indefinite sojourn abroad was one not lightly to be made. The counsels of prudence and of most of his friends were distinctly against it. Sumner was now twenty-six years of age. He had disappointed his friends as well as himself by his failure to gain an assured start in his profession, and the plainest dictate of common sense seemed to be that the building up of his practice should receive his unremitting attention. Moreover, he had not been able to save more than a third of what his contemplated tour would cost, and must therefore borrow three or four thousand dollars, a sum likely to mortgage his earnings for several years. Not only did his friends think his plan unwise because of its expense and its interruption of his legal career, but they feared that its effect would be to dissipate his energies, wean him from his profession, and make him discontented with the plodding life that lay before him. Sumner was sensitive to this disapproval, and was not a little disheartened

by President Quincy's blunt words, "All that Europe will do for him will be to spoil him, sending him home with a moustache and a cane."

In the face of these discouragements, it required not a little resolution on Sumner's part to hold to his purpose. But it was no holiday trip for amusement or recreation that he was planning. "My journey," he wrote to a friend, "will not be peculiarly legal. I shall aim to see *society* in all its forms which are accessible to me; to see men of all characters; to observe institutions and laws; to go circuits and attend terms and parliaments; and then come home and be happy." And so, arranging to borrow from Judge Story and two other friends the funds needed, on the 8th of December, 1837, he embarked for travel and sojourn in Europe which were to last nearly two and a half years. The voyage was made in the sailing-ship *Albany*, for as yet no steamship crossed the Atlantic in passenger service.[1]

Humboldt used to say: "You never see in a country what you do not take with you." Rarely has a young man gone from America to Europe so tingling with anticipation, so susceptible to all that is best in the society, art and culture of the Old

[1] To the account of this journey and to Sumner's letters from abroad, his friend and the authorized compiler of his memoirs, E. L. Pierce, gives a sixth of the total space devoted to his life. This is certainly a disproportionate allotment; yet it is true that this European experience constituted a turning-point in his life. It formed his mind and his associations, and proved a most essential part of his preparation for his as yet unsuspected life-work.

World. From his first sight of Havre his letters are full of the zest of novelty. He put in a day of strenuous sightseeing at Rouen, fascinated by the quaint architecture and the historical associations of its cathedral and other buildings, and declared that he could spend months in that city and still find interest. Yet in the next breath this eager student of "society in all its forms" says that he must leave Rouen after a stay of only thirty-six hours, for "to-morrow night is the last on which the hells of Paris are to be open, they being abolished after that time by law; and I wish, if possible, to see them, besides being in Paris on New Year's Day." Arrived in Paris on the evening of Sunday, December 31st, his first object of search was the most famous of these gaming-houses. He has left a vivid account of this "last night of Frascati, and my first night in Paris," discoursing gravely on the excitements of gambling, and acknowledging that he "felt the temptation, though he restrained his hand."

He remained in Paris till the end of May, two months longer than he had intended. At first he took lodgings in the Latin Quarter and renounced everything that could interfere with his getting command of French. He employed two teachers, and went for long walks with his landlady's small boy, "taking every opportunity to speak the language, even if it be but a word." He became a subscriber at Galignani's reading-room, where he read ten newspapers a day. Such persistent study soon be-

gan to yield good returns: within four weeks he was following lectures at the Sorbonne; a few weeks later he began to go into society and within three months he served as interpreter for an American before a magistrate.

His days were crowded full. All was fish that came to his net. At the Sorbonne and the Collège de France he passed from room to room, sampling the lectures and testing his knowledge of French. His programme of a single morning will illustrate the variety of his intellectual diet: First, at the Sorbonne, a lecture on the differential and integral calculus,—which must have been particularly edifying, in view of Sumner's mathematical aptitudes; next, a lecture on *Servitudes* in the École de Droit; next, at the Sorbonne, a part of a lecture "on some French author,—I could not catch the name"; next, at the École de Droit, a lecture on the *Institutes;* next, a visit to the Musée d'Artillerie. At the end of three months he had heard almost all the lecturers of eminence. He had also made a thorough study of the courts and of court procedure. The sessions of the Chamber of Deputies and of the House of Peers interested him greatly, and he records impressions of Guizot, Thiers, Lamartine, and others, with whom he became somewhat acquainted. He formed a high opinion of Louis Philippe,—"a great sovereign, truly great; mingling in business as much as his ministers, and controlling them all. He is more than his cabinet. Measures emanate from him. With skill that is wonderful, he has reined

in the revolution of July." Ten years later the King was to reveal himself in another light.

But Sumner's purpose had been not to study governmental or legal institutions alone; it was to see society in all its forms. Hence he visited not only the ordinary objects of tourists' interest, but also the observatory, the famous hospitals, where he attended the clinics of the most eminent surgeons, and the Hôpital Salpêtrière, the great almshouse where were lodged 5,000 infirm and aged women. He delighted in the city's architectural beauties, and was captivated by its street scenes and life. At midnight of Mardi Gras he went to the masked ball at the French Opera, and at daybreak drove out to Courtille, a village beyond the walls, where the merry-making of the common people was still at its height.

In March Sumner changed his lodgings from the Latin Quarter to the region of the boulevards. Assiduous study had loosed his tongue, and he now began to go more into society. He presented few of the many letters friends had plentifully provided him. The editor, Foelix, showed him much kindness, and he had a friendly interview with Sismondi. Into general society he went but little. It is significant of the extent of French knowledge of America at that time, that at the table of M. Érard, then perhaps the most eminent manufacturer of musical instruments in the world, Sumner was asked by his host, with the greatest ingenuousness, "if one of the noblest and most respectable families in America were not the descendants of Montezuma."

The young student of jurisprudence was not favorably impressed by the learning of the French bar: "With them now it is indeed the code and nothing but the code, . . . and it would seem superfluous to add that they know nothing of foreign jurisprudence, nothing of English and American in particular."

Amid the art treasures of the Louvre and of Versailles Sumner felt "cabined, cribbed, confined from my ignorance of the principles of art and of its history, except in its most prominent traits: . . . but they touched my mind, untutored as it is, like a sweet strain of music." His artistic appreciation was much quickened during these months. The art of the theatre and of the opera was highly congenial to him, and he was thrilled by the genius of Mars and of Rachel. Before he had been in Paris a fortnight he declared: "My voyage has already been compensated for—seasickness, time, money, and all—many times over. It was fully paid for at Rouen. All that I have seen since is clear gain." His stay of five months in Paris, though nearly twice as long as he had intended, left many things undone; but it had accomplished its chief object in giving him an excellent working knowledge of the French language; in addition it had opened his eyes to vast ranges of interest to which he had hitherto been almost totally blind.

Sailing from Calais on the last day of May, Sumner approached London by the gate of the

sea; for eighty miles upon the Thames he passed through a continuous stream of vessels, the panorama of historic scenes gradually opening before his eager eyes. Near Charing Cross he took lodgings, which he made his headquarters for the next ten months.

The story of this sojourn in England is one of the richest and most varied opportunity. Before he left America, many of his friends had pressed upon him letters of introduction. These he used most sparingly; he made it a rigid rule never to ask for an introduction. But he soon found himself overwhelmed by a mass of invitations. As a foreign visitor, he was given the entrée of four clubs, the Garrick, Alfred, Travelers', and Athenæum. Here he met on terms of pleasant familiarity many of the leading men of the day. Judge Story's commendation[1] to John Stuart Wortley and to Mr. Justice Vaughan, together with Sumner's intelligent enthusiasm for everything pertaining to jurisprudence, brought him into close association with England's most famous leaders of the bench and of the bar, who showed him unexampled cordiality. He was called to a seat upon the bench at Westminster

[1] In his letter introducing Sumner to some of the leading jurists of England, Judge Story spoke of him as "a young lawyer giving promise of the most eminent distinction in his profession, with truly extraordinary attainments, literary and judicial, and a gentleman of the highest purity and propriety of character." Later he was frequently heard to say: "I shall die content, as far as my professorship is concerned, if Charles Sumner is to succeed me."—Carl Schurz, *Eulogy of Sumner*, p. 187.

Hall and at the Old Bailey, where he was waited upon by the sheriff and invited to dine with the judges and magistrates. His health was proposed by the Lord Mayor, and his response was very well received. In the middle of the summer, he left London, and, on invitation of the judges, attended the circuits, everywhere meeting with the warmest welcome. He was repeatedly the guest of honor at banquets to the bar and court, and his words of appreciation and of recognition of the common heritage of America and England met with high favor. To Story, Greenleaf, and especially to Hillard, he sent long letters filled with keen observations of English legal institutions and with character sketches of the jurists whom he met upon this pilgrimage. He was struck forcibly by the contrast between the scanty and shallow equipment of members of the French bar and the broad-mindedness and profundity of his English acquaintances; and between the bickerings and jealousies among French lawyers in their relations with one another and the "heartiness and cordiality which pervade all the English bar. They are truly a band of brothers, and I have been received among them as one of them." Upon his return to London from the tour of the great circuits, one of the chief objects of Sumner's European enterprise had been accomplished: he had gained a deeper insight into and mastery of English legal practice and circuit life than any other foreigner who had ever visited England.

But these invaluable opportunities were not the

only ones lavished upon Sumner, nor were they the ones that were to exercise the greatest influence upon his future. He was present at the coronation of Queen Victoria; he heard the young Queen's speech at the opening of Parliament. By the invitation of one of the lords-in-waiting, he passed a day and a night at Windsor Castle, and leaves some highly unconventional glimpses of the royal household,—as of Lord Byron, the poet's brother, who, having been sent to take breakfast with the ladies of the bedchamber and maids of honor, "came bouncing down, saying, 'Murray, the gals say that there is nothing but stale eggs in the castle.'"

No one was more surprised than Sumner at the freedom with which he was admitted into all that was best in English society. A cordial welcome from the lawyers was to be expected both from his recommendations and from his own attainments in jurisprudence. But this was a mere incident of the warm-heartedness with which he was everywhere received. A letter of introduction to Earl Fitzwilliam led to an intimate friendship and many happy hours at Wentworth House and Milton Park. In the high-minded Lord Morpeth, later seventh Earl of Carlisle, he found a congenial spirit, and an intimacy was quickly established which ended only with death. The aged Earl of Leicester welcomed him to the sumptuous hospitalities of Holkham House, where Sumner admired the splendid paintings of Titian, Raphael, Da Vinci and Van Dyck, and for hours pored with delight over the crabbed pages

which bore the mark of the great Coke's pen. Lord Wharncliffe, Lord Durham, and Lord Holland made him their guest. Of the many public men whom Sumner met, none was more kind than Lord Brougham. Sumner's letters give interesting pictures of the life at Brougham Hall and glimpses of its master,—of his tenderness toward his mother, his devotion to his invalid daughter, his brilliant conversation, "his versatility and universal attainments." To Sumner it was a mystery why this man, at the time almost inaccessible, should have shown the young American student such marked attention and frank cordiality; but to a common friend Lord Brougham said that he "had never met with any man of Sumner's age of such extensive legal knowledge and natural legal intellect, and predicted that he would prove an honor to the American bar." It was said at the time that Sumner "made the acquaintance of all the principal Whig families going north, and of the Tories on his return," and he himself wrote to Lieber: "I have been received with a kindness, hospitality and distinction of which I truly felt my unworthiness. I have visited many—perhaps I may say most—of the distinguished men of these glorious countries at their seats, and have seen English country life, which is the height of refined luxury, in some of its most splendid phases."

But not less stimulating and congenial to Sumner was his intercourse with the leaders of English literature. Emerson's introduction led to a friendship with Carlyle. Landor, entertaining him at

breakfast, alternately pleased and startled him by compliment and criticism upon his English. He spent an interesting morning with Leigh Hunt, on an introduction from Carlyle. For two delightful days he was the guest of Sydney Smith. He took tea with Wordsworth, and was charmed by the simplicity, grace and sincerity of his manner and conversation. Lord Jeffrey of the *Edinburgh Review* he met at his own hearth, and was vastly impressed by "his talent, fertility of expression and unlimited knowledge (almost learning). He spoke on every subject and always better than anybody else." Sumner dined repeatedly in company with Macaulay, and was struck by his wide knowledge and brilliant conversation; but experience led him to accept Sydney Smith's verdict that in social intercourse Macaulay was "a tremendous machine for colloquial oppression," for he poured out the stores of his prodigious memory "with an instructive but dinning prodigality,"—a social fault which Sumner himself developed in his later years. He saw much of Harriet Martineau, whose acquaintance he had already made in America, and was greatly interested in Mrs. Shelley. He was welcomed in the homes of Grote, Hallam and Samuel Rogers, and formed a lasting friendship with Mr. and Mrs. Basil Montagu. At a dinner of the British Association for the Promotion of Science, Sumner was one of the guests, and made an impromptu speech, full of an American's appreciation of the mother country, which was quite the feature of the occasion. Not the least

interesting of the hospitalities showered upon him was a dinner given by Colburn the publisher, at which were present Tom Campbell "and some six or eight of the small fry—the minims of literature, all guilty of print." In short, when Sumner left England, he could truthfully say to Hillard: "I now hardly call to mind a person in England that I cared to see whom I have not met under circumstances the most agreeable and flattering to myself."

It remains to ask, What opened wide England's most exclusive doors to this young American scholar? English society was at that time suspicious of visitors from across the ocean. Wordsworth complained bitterly to Sumner of the officiousness and indecency of some American pen-drivers who had invaded the privacy of his home to make a page out of an "interview." Sumner was but twenty-seven, though he was by many supposed to be at least ten years older. He had no established reputation, had made no remarkable advance in his profession, and had given not the slightest indication of the career that lay before him. To be sure, he carried letters of commendation from friends, but he presented few of them, and such letters rarely lead to more than conventional courtesies, unless the bearer betters his introduction. In England, Scotland and Ireland, Sumner's travels were a continuous series of visits, upon urgent invitations which "grew out of casual meetings in society and were extended in a spirit of kindness and hospitality which made his heart overflow as he thought of it." Sumner's social success was

due alone to the attractive qualities of his own personality. He was young and full of generous enthusiasm. His omnivorous reading in literature, history and jurisprudence made him exceptionally intelligent upon topics of interest to leaders of English thought, and like Lowell he had a strong feeling of the essential unity of the English-speaking people which made him thoroughly at home in England. Although distinctly lacking in wit and brilliancy, his manner and conversation were instinct with genuineness and appreciation. As one of his friends said of him, in the *Quarterly Review*, soon after his return to America: "Mr. Sumner presents in his own person a decisive proof that an American gentleman, without official rank or wide-spread reputation, by mere dint of courtesy, candor, an entire absence of pretension, an appreciating spirit, and a cultivated mind, may be received on a perfect footing of equality in the best English circles, social, political and intellectual; which, be it observed, are hopelessly inaccessible to the itinerant note-taker, who never gets beyond the outskirts or the show-houses."

To a young man of Sumner's susceptibilities, these months of intimate association with many of England's foremost men could not fail to prove a formative influence of the utmost importance. Their effects were to be observed not only in the broadening of his own horizon, but in the added power which he was to exercise, particularly as head of the Senate Committee on Foreign Relations during most

critical years, both because of his thorough understanding of European politics, and of his personal acquaintance with party leaders and moulders of public opinion.

Indeed, the high favor with which Sumner had come to be regarded by Englishmen of influence was to be turned to speedy account. In March, 1838, he left London for Italy. In Paris, however, he was prevailed upon by General Lewis Cass, United States Minister to France, to undertake a patriotic service, which detained him several weeks. Friendly relations between the United States and England were at the time much disturbed by the Northeastern Boundary controversy and by the affair of the *Caroline*. The boundary dispute had arisen out of ambiguity of the language used in the Treaty of 1783, and all attempts to secure a settlement had proved futile. The Americans in Paris considered it desirable that the American argument be plainly set forth so that it might be clearly appreciated both in England and on the Continent, and Sumner finally yielded to their urging that he attempt this task. The result was a comprehensive paper, filling six and a half columns in Galignani's *Messenger*, copies of which were sent to members of Parliament and other men of weight in England. While setting forth the American argument strongly, the spirit of the paper was candid and pacific, and it made a most favorable impression both in England and in America. When in Paris at this time, Sumner saw much of Lord Brougham, who later in the House of

Lords spoke in favor of the American view of this matter. The controversy, it will be remembered, was finally settled in 1842 by the Treaty of Washington, which established a line of compromise.

As soon as this task was finished, Sumner continued his journey to Italy. A month was devoted to sightseeing by the way, and on the 21st of May, his "fondest expectations all on tiptoe," from the Alban Hills he caught his first glimpse of the dome of St. Peter's. Sumner's coming to Rome was the fulfilment of the dearest vision of his youth. His mind was richly stored with the treasures of history and of classic literature, and at sight of the monuments of "the greatness that was Rome," he thrilled as with a pilgrim's devotion. He never ceased to refer to the months spent here as the happiest in his life.

But in his eagerness to see its sights he did not allow himself to forget his purpose to know Italy's life and literature. To this end at first he left his letters of introduction unused and devoted himself to study with an assiduity which soon yielded large returns. At the end of the summer he reported: "The hot months passed quickly in Rome. My habits were simple. Rose at half-past six o'clock, threw myself on my sofa, with a little round table near, well covered with books, read undisturbed till about ten, when a servant brought on a tray my breakfast,—two eggs done *sur le plat*, a roll and a cup of chocolate; some of the books were pushed aside enough to give momentary place to the tray.

The breakfast was concluded without quitting the sofa ; rang the bell, and my table was put to rights, and my reading went on often till five or six o'clock in the evening, without my once rising from the sofa. Was it not Gray's heaven?" At the end of four months he wrote: "There is no Italian which I cannot understand without a dictionary ; there is hardly a classic in the language of which I have not read the whole, or considerable portions." All of Ariosto he despatched on the road to Venice.

But the glamour that hung about his Italian days was due not alone to classical associations nor to the charms of Italian literature. He formed there some of his warmest friendships. In the American consul, George W. Greene, he found a true scholar and a cultured man, with whom he enjoyed many an hour, most of all a retreat of several days in the Franciscan monastery of Palazzuola. At Rome Sumner first met the young American sculptor, Crawford, in whom he became deeply interested, and in whose work he thought he detected marked genius. Crawford had as yet acquired no reputation in his own country. Sumner wrote in his behalf to many friends in Boston, and it was through his instrumentality that the subscription was made which led to the purchase of Crawford's "Orpheus" for the Boston Athenæum (now placed in the Boston Art Museum), an encouragement which did much to assure the young sculptor's future, and which he always held in most grateful remembrance. In Florence, too, Sumner took great delight in discussing

sculptural matters with Horatio Greenough, then at work upon his "Washington," regarding some details of which he consulted Sumner. He also met Hiram Powers, who then "had not got beyond bust-making." These months on the Continent and especially in Italy did much to quicken Sumner's artistic appreciation, in which he was to find a never-failing source of pleasure and solace.

In the autumn Sumner spent a month in Vienna. Here he was cordially received by Metternich, who professed the greatest regard for America, saying that it was young and Europe old: "*Mais laissons nous jouir de notre vieillesse.*" Five weeks in Berlin were filled with opportunity. By the Crown Prince and Prince William, later the first German Emperor, he was well received. He met Humboldt and the historians, Ranke and Raumer, and discussed his favorite theme, the codification of the law, with Savigny, as he had already done with Brougham and Sismondi. This topic he took up with renewed interest with Thibaut, the head of the philosophical school of jurists, whom he met at Heidelberg, where he spent five delightful weeks, being especially indebted for courtesies to Professor Mittelmaier, with whom he had had much correspondence upon legal matters before leaving America.

But his European days were now drawing to a close. His friends were afraid that longer sojourn abroad would retard his progress in his profession, and those who knew him best, like Story and Hillard, advised him to hasten his return. Indeed,

he needed no such admonition. He knew that his European experience had greatly "swelled the man's amount"; but, as the months passed, he had times of serious depression. As he confided to Longfellow: "I now begin to think of hard work, of long days filled with uninteresting toil and humble gains. I sometimes have a moment of misgiving, when I think of the certainties which I abandoned and of the uncertainties to which I return." To Greene, his companion of fond Italian memories, he wrote: "To me is unchanging drudgery, where there are no flowers to pluck by the wayside—but the great grindstone of the law. There must I work. Sisyphus 'rolled the rock reluctant up the hill,' and I am going home to do the same." To his brother George he acknowledged that he had spent more than five thousand dollars and could not afford to travel longer, adding: "I wish you a deeper purse than I have, health to enjoy Europe, and the ability to profit by what you see. It is a glorious privilege, that of travel. Let us make the most of it. Gladden my American exile by flashes from the Old World."

For a young man who could use such words, it was high time to get back to his native land and settle down to some serious work. From Heidelberg he went down the Rhine, and crossed to London, which he had left almost exactly a year before. In a stay of less than three weeks he could do nothing more than renew his acquaintance with a few of the many who had lavished kindnesses upon him. His

last dinner was with Hallam, at whose house he met Milman, Hayward, Francis Horner and others. Sumner had made a warm place for himself in many an English home. One of his friends wrote to him: "You have had better opportunities of seeing all classes of society and all that is interesting among us, than any other of your countrymen." It was the truth; and to the end of his life Sumner retained a deep affection for England. This, however, did not blind him to many of the evils in her society. Although he had been the recipient of unprecedented courtesies from English people, many of them members of the nobility, he remained a true republican, and could truthfully declare: "I have never sat in the palaces of England without being pained by the inequality of which the inordinate luxury was a token;" the injustice of the English system of representation and the burden of primogeniture he clearly recognized and deplored. Yet he felt that the two nations were one people in race and in history, and it was to be one of the greatest objects of his life to remove all sources of discord between them, for to him the thought that they should ever be at war with each other was monstrous.

On the 3d of May, 1840, Sumner landed in New York, after an absence from America of nearly two years and a half,—a stalwart man of twenty-nine, with fresh memories of delightful days of study and leisurely travel, reluctantly returning to gather up the loose threads of a petty law practice, without a glimmer of what the future had in store for him.

CHAPTER IV

"NO. 4 COURT STREET"

UPON his return to his native city, Sumner found everywhere a warm welcome. His social successes abroad commended him to Boston's most exclusive society, at the head of which stood a group of families, closely related by marriage and by business interests, and quick to resent alien thought or non-conformity to their standards in social and political action. George Bancroft, who had become prominent in the counsels of the Democratic party, felt the chill following his apostasy from the Whig faith which held the allegiance of Boston's first families, and Sumner was in time to feel the weight of similar social disapproval. But while he was still a prime favorite in Boston society, there were other associations which brought him greater enjoyment. There were chance meetings with congenial spirits like Hawthorne and Frances Kemble. He now became a frequent and an admiring visitor to the studio of Washington Allston. Rufus Choate's office was in the same building with his own, and they found many interests in common. Among the new friendships that with William H. Prescott was an unfailing joy. Dr. Channing, whom Sumner later described as "one of the

purest, brightest, greatest minds of this age . . . my friend, and, I may almost say, idol for nearly ten years," now honored the young man with his confidence and relied upon him for collaboration and criticism as to his later writings.

But most of all, Sumner rejoiced in the fellowship of the "Five of Clubs," who now renewed their meetings with unbroken ranks. With Hillard there was the delight of constant intercourse at the office; of a Saturday, Sumner generally went to Craigie House to dine and spend the night with Longfellow, and here they were usually joined by Felton. He often visited Cleveland at Pine Bank, and it was here that he met Mrs. Kemble. After Cleveland's death, his place in the group was taken by Dr. Samuel G. Howe, the talented superintendent of the Perkins Institution for the Blind. His acquaintance with Sumner dated from the day when the two met while fighting in support of the mayor to suppress a nativist riot. They were to stand shoulder to shoulder in many another hard fight, and in Dr. Howe and his accomplished wife Sumner was for years to find two of his dearest friends.

The Sumner who returned from Europe was quite a different man in externals from the slender student of three years before. He had gained greater fulness of face and of figure, and his friends noted that he had "been very materially improved under the hands of a London tailor" and looked quite like an Englishman.

While in Rome, Sumner had been saddened by the news of the death of his father, for whom he had always had a filial regard, though there was little congeniality between the two. Sheriff Sumner led a gloomy, Puritanical life, and within his own family his was a rigid rule, which could not fail to antagonize such natures as Charles and his vivacious brother, George. When Sumner had escaped to Europe from the *potestas* of this stern *pater familias*, he still felt for his brothers and sisters and wrote to his father urging that for the younger children a milder régime might be adopted. The rigor in the home was somewhat relaxed the following year, but Sumner's intervention was resented, and from that time no letters passed between father and son. This lack of cordial sympathy with his father was a grief to him for many years.

For several months after his return, Sumner did not attempt to resume practice. It was the summer season, when legal work was not pressing, and he devoted this period to making visits, renewing acquaintances and keeping up his enormous correspondence with friends abroad. In September, however, he began to put in long hours at No. 4 Court Street. But it was hard to get acclimated. Later he confessed that this year was the least productive of his life. Practice came but slowly. There was more or less work to be done. He shared with Hillard the office business, and Story and Greenleaf enlisted his services in some cases in which they were interested. Sumner's most im-

portant case was one in which he succeeded Greenleaf in contesting the validity of the Phillips patent for friction matches. It had already been in the courts for five years. Sumner devoted himself to the matter with great assiduity, but it dragged on for three years more. At the final trial it occupied eleven days before the jury; in closing Sumner spoke ten hours, and upon the action of tort secured a verdict in favor of his client.

He worked with dogged persistency, and in time might have become a lawyer of some eminence. Large money returns did not allure him, although, in view of his scanty income and the debts incurred for his travel,—debts which it is supposed his mother finally paid from the estate,—it was a satisfaction when he could report: "Business calls. I charged one client yesterday, as part of my fee in a case, six hundred dollars. He had the grace to say that it was no more than he expected, and not so much as I deserved." But such fees came seldom, and it was not long before Sumner's friends recognized that there were serious obstacles in the way of his attaining distinguished success at the bar. For much of the lawyer's routine work he seemed to have an insuperable repugnance.[1] To a

[1] "He was not formed for a jury lawyer, when the jury was less than a nation or mankind. . . . Sumner's legal mind, at this time and throughout his life, was largely moulded, trained to the contemplation of great principles and to lofty research. As one of his admiring comrades, himself a renowned lawyer, says of him, 'In sporting terms, he had a good eye for country, but no scent for a trail.'"—G. W. Curtis, *Orations*, Vol. III, p. 210.

friend he once wrote: "I found the bill of costs without understanding it; and I sometimes believe that it is not in my power to understand anything which concerns such matters." William Wetmore Story, another young man of high aspirations who had not yet found himself, was then a law student at "No. 4," and has left an interesting picture of life in that office. Of Sumner he writes: "He would talk to me by the hour of the great jurists, and their lives, and habits of thought. . . . Hillard and he and I used to talk infinitely, not only of law, but of poetry and general literature and authors, when business would allow,—nay, sometimes when it would not allow; but who can resist temptation with such tastes as we all had?" It was evident that the fears of his friends and his own misgivings were being realized: in his "American exile," he could find no enthusiasm for his work. The keen-eyed student at his side noticed that "after the flush of those exciting days abroad, his office and daily occupations seemed dull and gray. . . . America seemed flat to him after Europe." His letters to friends abroad show where his heart lay. To Lieber he wrote: "Never at any time since I have been at the bar have I been more punctual and faithful. Pocket that, ye croakers, who said that Europe would spoil me for office work! Still, I will not disguise from you, my dear Lieber, that I feel, while I am engaged upon these things, that, though I earn my daily bread, I lay up none of the bread of life. My mind, soul, heart,

are not improved or invigorated by the practice of my profession; by overhauling papers, old letters, and sifting accounts, in order to see if there be anything on which to plant an action. The sigh will come for a canto of Dante, a rhapsody of Homer, a play of Schiller. But I shall do my *devoir*."

In virtual acknowledgment of failure in his practice, Sumner gradually turned more and more to outside tasks. In the absence of Judge Story, he lectured as a substitute in the law school in 1842 and again the following year. He renewed his writing for various legal magazines upon his favorite topics,—judges, lawyers, and publicists. He was a careful and keen critic, always eager to commend what was of merit, but scathing in denunciation of bad work, so that he sometimes aroused deep resentment. In one instance a writer's article was so cut up that he came on from New York to Boston, intending to challenge the critic to a duel, but Sumner's fortunate absence from the city gave wrath time to cool. In the autumn following his return from Europe he had brought out the third volume of his "Reports" of Judge Story's Circuit Court opinions. The task of the court reporter was distinctly congenial to Sumner. Although he repeatedly declared that he did not know the office that was worth asking for, or asking any influence to procure, he acknowledged that, with a single exception, there was one which he might prefer to any in the country and an appointment to which would be agreeable to him, if it came un-

solicited on his part. This office of his preference was undoubtedly that of Reporter of the Supreme Court of the United States, held at the time by his old friend, Mr. Peters. He would have enjoyed its drudgery. Moreover, Sumner was in a similar position to that of his father, when he became sheriff: with no liking for and no prospect of marked success in the work of the practicing lawyer, he would have welcomed the fixed salary which attached to this office. But in 1843 when the vacancy occurred, it was filled during Judge Story's absence. And so another door was closed.

Early in 1844 Sumner undertook a heart-breaking task: for the sum of $2,000 he contracted to annotate the "Equity Reports" of Francis Vesey, Jr., in twenty volumes, agreeing to make ready one volume every two weeks. He began this work April 10th; but it soon became evident that the task was altogether too heavy for the allotted time, yet the publishers refused an extension of even a single month. Sumner bent to the work, making diligent use of the rich material which had accumulated since the publication of Vesey, and adding—an unusual feature, but one peculiarly congenial to his cast of mind—biographical sketches of the judges and lawyers mentioned in the text. The edition was dedicated to Judge Story, and was very favorably reviewed by law journals; one declared: "In what may be called the literature of the law, he [Sumner] has no rival among us." But "the dreary, never-lightening task" soon proved too great even for

Sumner's splendid physique. With only four volumes completed, he succumbed to a fever, and for many days his life hung in the balance. Then gradually his extraordinary vitality reasserted itself. During his illness his bedside was sought by many sympathetic friends; the members of the "Five of Clubs," Prescott and Bancroft were among the most constant. Many a tender message from England showed how wide-spread was the solicitude for his recovery. Strength returned but slowly. It was not till November that he was able to get back to his office. Meantime, the wretched task which had broken him down had been carried on by others. Nine volumes still remained for his annotation. At last, in May, he could report: "The edition (in twenty volumes) is all printed; and that millstone has fallen from my neck."

In the months of his convalescence Sumner had discovered in himself a new appreciation of beauty in nature. He spent some weeks in a delightful round of visits with friends in the Berkshires. Here he renewed his acquaintance with Mrs. Kemble, with whom he enjoyed horseback riding. On his way home, he had the pleasure of meeting in New York Crawford, whom he had not seen since he left Rome, and whose career had been in no small degree assured by Sumner's commendation to his Boston friends. But he was soon called home by sad news. His beautiful and best loved sister, Mary, had been in failing health for several years. Her death was a great grief to Charles, who had always

loved her tenderly; many references to her in his letters afford some of the most intimate and beautiful glimpses of his character.

Sumner, himself, felt little attachment to life. Again and again, upon the death of some friend, he would exclaim: "Why was he selected who was reluctant to go, and another left who has little pleasure in staying?" When, in the crisis of his illness, the physician told him that his case was incurable, and that, if he should live, he would never be able to do anything, Sumner replied that he did not shrink from death but that to pass through life doing nothing, perhaps a "driveler and a show," was more than he could bear. A few weeks later he wrote to Howe: "For such a signal recovery another person would feel unbounded gratitude. I am going to say what will offend you; but what I trust God will pardon. Since my convalescence I have thought much and often whether I have any just feeling of gratitude that my disease was arrested. Let me confess to you that I cannot find it in my bosom. . . . Why was I spared? For me there is no future of usefulness or happiness."

This period brought to Sumner broadened associations along various lines. In the summer following his return from Europe, he took his father's place in the Society of the Cincinnati. In 1844 he was elected to membership in the American Antiquarian Society, and in the same year he became a corresponding member of the New York Historical Society. Some effective popular expositions of legal princi-

ples, which Sumner had contributed to Boston papers, led the friends of Alexander Slidell Mackenzie to appeal to the young lawyer to come to the defense of that commander in the *Somers* mutiny controversy.[1] To bring public opinion to Mackenzie's support was the task urged upon Sumner, and in response to it he contributed to the *North American Review*[2] a convincing article, in which with great force he argued that the real question at issue was neither the actual guilt of the conspirators nor the actual necessity for their execution, but their apparent guilt and the apparent necessity, as carefully

[1] Upon this United States brig-of-war, September 12, 1842, there had sailed for the coast of Africa a number of apprentice boys from the Naval School, and Philip Spencer, son of John C. Spencer, at the time Secretary of War, held the rank of midshipman. He was a breeder of mischief throughout the voyage, and it was discovered that he was the ringleader in a conspiracy to seize the ship, murder the officers, and hoist the pirate's flag. Some of the conspirators were put in confinement; but this developed so mutinous a spirit among the crew that the commander, whose intention had been to bring all the prisoners to the United States for trial, decided to take the formal advice of his officers. This council made a careful investigation, as the result of which they signed a report in which they—"bearing in mind our duty to our God, our country and to the service" —advised that Spencer and two of his confederates be immediately hanged at the yard-arm, a sentence which was executed four days before the brig reached St. Thomas. Spencer and one of his confederates had not only made full confession of guilt, but acknowledged the justice of the penalty. Heated discussion, however, straightway arose as to the guilt of the second confederate. Commander Mackenzie was brought before a court-martial, whose sessions of forty days resulted in his acquittal, a verdict which President Tyler confirmed. Nevertheless, by virtue of his position as Secretary of War, Spencer's father and his friends were able to arouse very severe censure of Commander Mackenzie's action.

[2] Vol. LVII, pp. 195–241.

weighed by conscientious men, who felt full responsibility for the United States vessel and the lives committed to their charge. This article exercised wide-spread influence. For this defense Mackenzie himself felt the deepest gratitude, which he showed by entertaining Sumner at his home and by a message of appreciation and good-will in a sealed letter opened after his death.[1]

Of the novelties of the day, phrenology for a time aroused Sumner's interest. With his friend, Dr. Howe, he performed some experiments which seemed to him to "show clearly that our brains are mapped out as the phrenologists have described." He procured a plaster cast, and set himself to studying it with great earnestness. Several years later he upbraided the editor of the *North American Review* for "intolerance of mind in having treated phrenology flippantly." But this interest soon ceased to have any hold upon him.

The "temperance" movement, which in these years exercised a great deal of political influence,

[1] It is interesting to note that this Commander Alexander Slidell Mackenzie was an own brother of John Slidell, who was senator from Louisiana at the time of Sumner's election to the Senate. A few weeks later the two were guests at the same hotel in Saratoga, but on being introduced to Sumner, Slidell's manner was very reserved; he declined an invitation from a common friend to meet Sumner at dinner, explaining a few days later that, while grateful for Sumner's "chivalrous and zealous advocacy" of his brother, his social relations could not be candid with a man of Sumner's "avowed purpose to exclude in his region the class to which he [Slidell] belonged from the courtesies of social life and the common rites of humanity." After Sumner entered the Senate, however, the two men for some time were upon friendly terms.

did not appeal to Sumner. He was temperate in his own habits; he justified the moderate use of wine, and felt no sympathy with any political movement having prohibition as its object.

Sumner's brother, Horace, was for a time a member of the Brook Farm community and his college friend, Browne, tried hard to interest Sumner in the transcendental philosophy there taught and practiced. But Sumner refers in rather contemptuous tone to his brother's bucolic employments. He believed that humanity's triumphs were to be won not in an isolated community, but in the ranks with his fellows.

As a young man Sumner had taken very seriously his duty as the oldest brother to encourage the younger members of the family to do their best in their studies. While in Europe he had written anxious letters to President Quincy and Judge Story, urging that the standards of scholarship at Harvard be raised. In these early years of his practice, accordingly, Horace Mann found in him an ardent supporter of his propaganda for the promotion of popular education. In a highly favorable review, he commended Mann's report of European systems of education. In 1844 he accepted the Whig nomination for one of the two members of the school committee from his ward. The other Whig candidate was elected, but Sumner was defeated by a native American. In the belief that the equipment of the normal schools of the state was entirely inadequate, in 1845 Sumner acted as chairman of a

committee which petitioned the legislature in favor of the erection of two new buildings. He personally solicited subscriptions and even incurred far heavier financial responsibility than he had a right to afford, in order to accomplish that end.

In view of the career which was so soon to open before him, it is surprising that up to this point Sumner apparently felt neither any aptitude nor any liking for politics. Returning to America in 1840, he wrote a few months later to an English friend: "Our politics are shabby enough. . . . They [the Whigs] proclaimed Harrison the candidate of the 'log-cabin and hard-cider class.' And this vulgar appeal is made by the party professing the monopoly of intelligence and education in the country!" To his brother George he declared: "There are some (among whom I am willing to be counted) who think success obtained by such vulgar means of very doubtful value. But the greater part think nothing of these things, and are now in full cry, running down their game." He took no part in the campaign, and it is not known for whom he voted. At the time of the next presidential election, he was recovering from a serious illness; and there is no indication that he felt any interest in the contest. The distinctive tenets of the Whig party, its policy as to the tariff and the national bank, however strongly they commended it to the commercial aristocracy of Boston, could make slight appeal to a man of Sumner's idealism. But in contrast with their opponents, the Whigs seemed to him less

under the dominance of the slave power and more disposed to high-minded and peaceful dealings with foreign states. Like John Quincy Adams, whom of all American public men he most admired, Sumner still marched with the Whigs, because he "thought this party represented the moral sentiments of the country,—that it was the party of Humanity."

CHAPTER V

"THE TRUE GRANDEUR OF NATIONS"

AMONG the institutions that had fostered the civic pride, for which from early days Boston had been famous, the Fourth of July oration played an important part. Boston has never lacked self-consciousness. In the days just before the outbreak of the Revolution, she saw in herself—as England saw in her—the protagonist of the colonists in their assertion of what they deemed their rights as British subjects, and local pride speedily cast about certain scenes and actors an aureole, which quite transfigured them in memory. Thus, the event of March 5, 1770, characterized by one critical twentieth century historian as a "serious affray" in which "the mob was fired upon by the angry and frightened soldiers," forthwith found its place in local annals as the "Boston Massacre." Its victims were added to the noble army of the martyrs, to be commemorated to remote generations by the monument on Boston Common to the almost mythical Crispus Attucks and his fellows.

On the very first anniversary of this event the citizens of Boston came together to listen to an appropriate oration, and the precedent was observed in each succeeding year. Soon after the close of the

Revolutionary War, the citizens of Boston, at a town-meeting in Faneuil Hall, adopted a resolution which, after asserting that this celebration had "been found to be of eminent advantage to the cause of America in disseminating the principles of virtue and patriotism among her citizens," declared that from that time forward "the anniversary of the 4th day of July, A. D. 1776, . . . shall be constantly celebrated by the delivery of a public oration . . . in which the orator shall consider the feelings, manners, and principles which led to this great national event, as well as the important and happy effects, whether general or domestic, which already have, and will forever continue, to flow from this auspicious epoch." And so for threescore years and more this patriotic festival had been observed, the oration being delivered in Faneuil Hall, the Old South Church, or in one of the larger assembly halls.

The choice of orator usually fell upon some promising young man, and the typical oration, as John Adams (who had listened with fortitude to many of them) declared, was characterized by "juvenile ingenuity," and usually set forth in conventional phrases admiration for Greek and Roman heroism, evidencing little critical weighing of the events of the Revolution, or originality in the discussion of present-day problems.

In 1845, at whose suggestion it is not known, Charles Sumner was notified by a committee of the city government that he had been chosen orator for

Independence Day. The invitation came so late as to allow hardly two months for preparation. His correspondence shows that he accepted with a hesitation not unnatural in one so untrained for such an effort. He made no demonstration in getting to work upon it, and his friends, particularly Felton, repeatedly urged him to devote himself to his writing with diligence, mindful that he was to have a "numerous and distinguished audience."

Heralded by the boom of guns, the sun rose clear on the morning of July 4th. The streets, the Common and the Public Garden were soon astir with an animated throng. There was a procession of 800 school-children in gala attire. The national colors were everywhere displayed. In the harbor lay the United States ship-of-war, *Ohio*, brilliantly bedecked with flags. Soon after ten, under escort of the Washington Light Guard, the officers of the city government, led by the mayor and the orator of the day, marched from the City Hall to Tremont Temple. Seated upon the platform, Sumner watched the assembling audience. Behind him was a choir of young girls from the Boston public schools, all dressed in white. Below, at his left, his eye rested on the Washington Light Guard, behind their officers, while at his right in the front seats in full uniform sat the superior officers of the commonwealth's militia and of the United States army and navy. It was felt that in previous years the Federal branches of the service had been somewhat slighted at this festival, and so it was in re-

sponse to special invitations that these officers from the navy-yard, from the forts and from the visiting *Ohio*, graced the occasion by their august presence. Of that brilliant audience of more than 2,000, at least one in every twenty was in military attire.

The invocation and the reading of the Declaration of Independence were followed by patriotic songs by the choir. Then the mayor introduced Sumner. It was a scene long to be remembered when this tall and handsome young man stepped forward for the first time to face a great popular assembly gathered to hear him. The "Gawky" Sumner of Latin School days had developed a splendid presence. He now stood six feet four inches in height, and his frame already gave promise of the commanding figure of his later years. His well-cut face, surmounted by masses of dark hair, kindled with animation as he spoke. Always fond of rather distinctive dress, he wore to-day a blue dress-coat with brass buttons, and waistcoat and trousers of white. His voice was of great power, and he used it with skill. His gestures were his own, the most characteristic being the swinging of his hand over his head. Referring to his manuscript only for statistics, he spoke for more than two hours, yet he held the close attention of his audience to the end.

With but a brief introduction, in which in words closely modeled upon Plato he urged that our most worthy tribute to the Fathers of the Republic would be found in striving to excel them in virtue and to increase the inheritance which they had bequeathed,

Sumner proceeded to announce the theme of his oration, the inquiry: "What, in our age, are the true objects of national ambition; what is truly national glory, national honor; what is the true grandeur of nations?" Tersely illustrating his subject by contrasts, he made timely reference to the Texas and Oregon issues, declaring "a war with Mexico would be mean and cowardly; with England it would be at least bold, but parricidal." And forthwith he laid down his main thesis: "In our age there can be no peace that is not honorable; there can be no war that is not dishonorable." [1]

The place, the occasion, the audience, all combined to make the announcement of such a proposition sensational, but these considerations did not deter the speaker. With a wealth of illustration from history and poetry he developed his theme: he exposed the true character of war by noting how military heroes were lauded by the names of brute and savage beasts; he emphasized the futility of war in that its objects are often unattained, as in the War of 1812, where the alleged causes were not removed by the Treaty of Ghent; he described vividly the senseless wager of battle, which found its belated survival in war; and he denounced in scathing terms the approval which misguided patriotism, and social esteem and even the church had bestowed upon the unreasoning appeal to brute force. With tremendous

[1] In his *Works*, Sumner softened this by putting it in the form of a question. "Can there be, in our age, any peace that is not honorable, any war that is not dishonorable?" Vol. I, p. 9.

power he emphasized the enormous waste involved in military preparations and manœuvres,—expenses, he insisted, which were worse than wasted, since often instead of assuring peace, they served only to incite war, whereas the spirit of comity and conciliation ensured just and lasting blessings; he urged that the United States lead in a movement toward disarmament, and closed with an eloquent presentation of the moral virtues in which the true grandeur of nations consists.

Among the passages of most power was an effective comparison of the cost to the community of Harvard University and of the *Ohio*, then lying in Boston harbor, and whose officers were at that moment, as guests of the city, sitting at his feet:

"There now swings idly at her moorings in this harbor a ship-of-the-line, the *Ohio* . . . $834,845 [has been] the actual cost at this moment of that single ship,—more than $100,000 beyond all the available accumulations of the richest and most ancient seat of learning in the land. Choose ye, my fellow citizens of a Christian state, between the two caskets,—that wherein is the loveliness of knowledge and truth, or that which contains the carrion death!"

He drove the lesson home still harder by showing that the sum annually lavished upon the *Ohio* was more than four times the yearly expenditures of Harvard University.[1]

[1] *Works*, Vol. I, p. 81. Sixty years have not made Sumner's line of argument obsolete. Naval expenditures for the year ending the week before Sumner uttered these words were in

A passage of genuine pathos set forth the brutality of war, relieved only by deeds of chivalry, which it borrowed from peace.

"But war crushes with bloody heel all justice, all happiness, all that is godlike in man. . . . True, it cannot be disguised that there are passages in its dreary annals cheered by deeds of generosity and sacrifice. But the virtues which shed their charm over its horrors are all borrowed of Peace. . . . The flowers of gentleness, of kindliness, of fidelity, of humanity, which flourish in unregarded luxuriance in the rich meadows of Peace, receive unwonted admiration when we discern them in War,—like violets shedding their perfume on the perilous edge of the precipice, beyond the smiling borders of civilization. . . . God be praised that Sidney, on the field of battle, gave with dying hand the cup of cold water to the dying soldier! That single act of self-forgetful sacrifice has consecrated the fenny field of Zutphen far, oh! far beyond its battle; it has consecrated thy name, gallant Sidney, beyond any feat of thy sword, beyond any triumph of thy pen! But there are hands outstretched elsewhere than on fields of blood for so little as a cup of cold water. The world is full of opportunities for deeds of kindness.

round numbers $6,300,000; for the year 1908 they were $118,725,000. This morning's paper tells of an amendment (February 16, 1909) cutting down the appropriation for each of two new battle-ships to $4,500,000, not including armor or armament. Even in these days of large benefactions, that expenditure for each unarmed battle-ship is excelled by the productive funds of not more than ten American universities. Were Sumner speaking to-day, he would further emphasize the appalling rate at which battle-ships depreciate and become obsolete.

Let me not be told, then, of the virtues of War. Let not the acts of generosity and sacrifice which have triumphed on its fields be invoked in its defense. In the words of Oriental imagery, the poisonous tree, though watered by nectar, can produce only the fruit of death!" [1]

Truly prophetic were his references to emancipation and to disarmament:

"What glory of battle in England's annals will not fade by the side of that great act of justice, by which her legislature, at a cost of one hundred million dollars, gave freedom to eight hundred thousand slaves! And when the day shall come (may these eyes be gladdened by its beams!) that shall witness an act of greater justice still,—the peaceful emancipation of three millions of our fellow men, 'guilty of a skin not colored as our own,' now held in gloomy bondage under the Constitution of our country,—then shall there be a victory, in comparison with which that of Bunker Hill shall be as a farthing candle held up to the sun. That victory shall need no monument of stone. It shall be written on the grateful hearts of uncounted multitudes, that shall proclaim it to the latest generation. It shall be one of the great landmarks of civilization; nay, more, it shall be one of the links of the golden chain by which humanity shall connect itself with the throne of God." [2]

"Let us now, in this age of civilization, surrounded by Christian nations, be willing to follow the successful example of William Penn, surrounded by savages. Let us, while we recognize the transcendent ordinances of God, the *Law of Right* and

[1] *Works*, Vol. I, p. 125.

[2] *Works*, Vol. I, p. 127.

the *Law of Love*,—the double suns which illumine the moral universe,—aspire to the true glory, and what is higher than glory, the great good of taking the lead in the disarming of the nations. Let us abandon the system of preparation for war in time of peace as irrational, unchristian, vainly prodigal of expense, and having a direct tendency to excite the very evil against which it professes to guard." [1]

Such was the oration which greeted this conservative Boston audience, accustomed on the Fourth of July to listen to "young men of promising genius, whose convictions were conformable to the opinions of the moment." It is needless to say that the opening paragraphs produced a sensation and that what followed gave rise to intense excitement. It was evident at the outset that here was no mere elocutionist or phrase-maker, but a man of vigorous thought, ready and perhaps too eager to assail what he believed to be error, no matter how high enthroned. His references to the Texas and Oregon policies of the Polk administration called out open dissent from his audience. Later the opposition grew more bitter, for the young orator exclaimed: "What is the use of the standing army? What is the use of the navy?" and in sarcastic vein he referred to the "farcical [2] discipline," and to "men closely dressed in padded and well-buttoned coats of blue, besmeared with gold, surmounted by a huge

[1] *Works*, Vol. I, p. 119.

[2] In revising the oration for his works, he substituted "painful" for this word! *Works*, Vol. I, p. 91.

mountain cap of bearskin, with a barbarous device typical of brute force, a tiger, painted on oilskin, tied with leather to their backs,—Christians recognizing the example of beasts as worthy of imitation by man." To many of the military guests in the audience it seemed that they had been "officially assailed by the speaker as well as personally insulted." They decided forthwith to leave the hall in a body, and were only dissuaded by the adjutant-general of the commonwealth, whom they urged to lead them, but who insisted that such a proceeding would seem discourteous, since they were all guests of the city. As the excited audience was dispersing, a prominent merchant is said to have shouted: "Well, if that young man is going to talk in that way, he cannot expect Boston to hold him up!"[1]

According to long-established custom, after the oration the members of the city government and the invited guests repaired to Faneuil Hall, where a banquet was followed by a long list of toasts. It was significant of the feeling of that day, that every

[1] Men of very different views agreed as to the probable effect of this oration upon Sumner's future. "The crowd dissolved; the audience surges into the street. One man goes up to Mayor Elliott [Eliot?] and says: 'Mr. Elliott, what do you think of the oration?' 'The young man has cut his throat, sir!'"—Wendell Phillips, in an oration on Sumner reported in Boston *Daily Advertiser*, March 3, 1877. "I suppose he has committed a social *felo de se* by it. I look upon his fearless book [this oration] as the tombstone of his consideration in the minds of nine-tenths of this Infidel Community."—Letter of J. R. Lowell to H. W. Longfellow, Aug. 13, 1845, Lowell's *Letters*, Vol. I, p. 95.

one of the many speakers referred to Sumner's oration with "censure, ridicule, or some kind of criticism." This dissent ran the whole range from the conservative and moderate qualification of the historian Palfrey and of Congressman R. C. Winthrop to coarse and personal abuse from a lawyer who had long been connected with the militia, and whose remarks called forth loud applause from the military guests. Sumner bore all these criticisms with entire equanimity, and when given an opportunity to reply, contented himself with a graceful compliment to the choir of the day.

In the mass of comment upon the oration, aside from the dissent from its main proposition that there can be no war which is honorable, there was much criticism upon two matters of taste and propriety. To the charge that his theme was out of harmony with the spirit of the day, it may be replied that he spoke with the utmost earnestness in behalf of a cause which he believed should enlist every patriot's support. Progress is not advanced by the insistence that every public speaker shall conform to the views which he believes to be held by the majority of his audience. Sumner chose neither his theme nor the manner of its development with the purpose of antagonizing his hearers. For several years in his letters and conversation there had frequently recurred references to the brutality, the futility and the waste of war, which showed that these were thoughts over which he had long been brooding. On the other hand, there was much of validity

in the criticism that in various parts of his oration Sumner exhibited little tact or consideration for the feelings of many of his hearers. To the forceful presentation of his theme it was by no means necessary that he descend to slurring remarks upon the dress and bearing of military leaders there present as highly honored guests of the city.[1]

In the weeks following the delivery of this oration, there poured in upon Sumner hundreds of letters from all over the country, reflecting widely divergent opinions. One of the most cordial was from John A. Andrew, the future war governor of Massachusetts, who in closing expressed his "gratitude to Providence, that here, in our city of Boston, one has at last stepped forward to consecrate to celestial hopes the day—the great day—which Americans have at best heretofore held sacred only to memory." Theodore Parker's letter of hearty approval was the beginning of a friendship and a hearty coöperation that were to end only with death. In England as well as in America Sumner's oration attracted wide attention, its references to the pending Oregon question giving it added point. An

[1] It is interesting to note a criticism which Sumner twenty years later passed upon Bancroft's eulogy upon Lincoln. "I felt at the time that there was something wrong in such a speech when the diplomatic corps were official guests. . . . The chief error was in addressing such a speech to such guests. Either they should not have been invited, or the speech should have been what could be said in their presence without giving offense." March 15, 1865. But Sumner, himself, upon many a later occasion showed a strange insensibility to the pain which his words must inevitably have caused to hearers of normal make-up.

abridged edition of 7,000 copies was circulated by the several Peace Societies, and four or five editions of the entire oration were sold.

To Sumner hardly less than to his friends that Fourth of July brought a revelation. It was the parting of the ways. Only a few months before, the shadows seemed to be settling thick about him. He was lonely and ill; he felt that his life had been a failure, and wished that Death's summons might have been for him, instead of for those who found life a blessing. Now, at last, he caught a glimpse of a goal. He found that he could sway thousands by his eloquence, and the discovery quickened all the moral force within him. Aimlessness and depression were flung aside. He would press toward the mark.

CHAPTER VI

SUMNER'S ENLISTMENT IN THE ANTI-SLAVERY RANKS

FROM that Fourth of July his Court Street office could never again look the same to him. It had been the scene of dull routine, of editorial hack-work. Now he had found himself. The definite line that his effort should take was not yet clear, but his interest in the practice of law and in the study of jurisprudence fell into the background.

His new aspirations had hardly been kindled when he met with a great sorrow in the death of Judge Story, to whom he was bound by the closest ties of affection and gratitude, which found worthy expression in his "Tribute of Friendship." The eminent jurist had repeatedly declared that as far as his professorship was concerned, he should die content if Charles Sumner were to succeed him. But when the vacancy occurred, the position was not offered to Sumner. Nor did he expect it. As he wrote to his brother: "I am too much of a reformer in law to be trusted in a post of such commanding influence as this has now become." The radicalism of his oration had not been agreeable to the members of the corporation. Sumner seems to have felt somewhat hurt at the evidence that he was no longer held in so high regard as formerly at

his *alma mater;* yet it is doubtful whether he would have accepted the position, for he felt that in such a professorship he would no longer be a free man.

In the middle of the nineteenth century, to a young man of philanthropic impulses and blessed with the gift of tongues, one door opened wide. That was the New England Lyceum, then in its pristine vigor. In a way, it was a precursor of the university extension of a later generation. In many New England cities and towns the Lyceum arranged for a course of ten or a dozen lectures. The pay was small, rarely exceeding ten or fifteen dollars, but the opportunity for influence was great and attractive. The audience was certain to be made up of the most intelligent people of the community. Divisive subjects, such as slavery, or distinctly political topics, were tabooed, but the lecturer might incidentally get very definitely before the people his views even upon such subjects. The Lyceum afforded a forum for the best thinkers of the day. It is creditable to the audiences that among the speakers most in demand were Emerson, Whipple, Holmes and Beecher. Even Choate and Webster did not scorn the lecture platform. For the five years following the delivery of the "True Grandeur of Nations," no lecturer was more welcome before Lyceums than Charles Sumner, and here it was, as Whipple said, that he got a hold upon " earnest, progressive clergymen and warm-hearted, cultivated women,—perhaps the two strongest forces for the moral awakening of a com-

munity,—such as no other American public man has gained." Here, too, he aroused the enthusiasm of hundreds of young men who ten years later were to translate his ideals into practical politics.

Sumner's Lyceum lectures were mostly upon three topics: "The Employment of Time," "White Slavery in the Barbary States," and "The Law of Human Progress." The second of these themes was obviously chosen to afford an opportunity to set forth by indirection the cruelties of American slavery. Printed in a small volume with abundant woodcuts, it had a wide circulation.

A year after Sumner first challenged attention as an orator, he was invited to deliver the oration before the Phi Beta Kappa Society of Harvard, an occasion and an audience which have called forth their best from some of America's most eminent men. Upon the platform were Edward Everett, who had just been made president of the university, and Josiah Quincy, his predecessor in that office; John Quincy Adams, Robert C. Winthrop, William Kent, who had recently been appointed to Story's professorship; and the Governor of Virginia. Dr. Edward Everett Hale tells of the profound impression which Sumner made upon young men like himself. His spendid presence dominated the audience. It had been the custom of speakers upon this solemn occasion to appear in the traditional black gown of the New England pulpit, but Sumner, in addressing a company of scholars, chose to appear before them not in the garb of a scholar

of 1631 but of the gentleman of 1846. Accordingly he stood forth in blue dress-coat with brass buttons, a buff waistcoat, white trousers and gaiters. And his manner was equally unconventional ; some of his hearers were quite aghast at seeing him in the fervor of his discourse turn his back upon his audience for several minutes while he addressed President Everett. Within a few months, four of the most eminent sons of Harvard had died. They had all been personal friends of Sumner, from whom he had gained much inspiration. It was therefore a congenial task which he essayed in commemorating these men in an oration upon the theme : "The Scholar (John Pickering) ; the Jurist (Joseph Story) ; the Artist (Washington Allston) ; and the Philanthropist (William E. Channing)." Many of his audience had been prejudiced against him as a theorist and radical, but he won their cordial sympathy and for more than two hours he held their rapt attention. The impression upon high-minded young men who heard him was one never to be effaced. The oration's deepest notes were struck in the passages which attacked slavery and war. Sumner later acknowledged that " in the sensitive condition of public sentiment at that time, such an effort would have found small indulgence if he had not placed himself behind four such names. While commemorating the dead, he was able to uphold living truth."

In the chorus of acclaim which greeted this address, no words were more discerning than those of

the venerable John Quincy Adams, who wrote to Sumner: "Casting my eyes backward no farther than the 4th of July of last year, when you set all the vipers of Alecto a-hissing by proclaiming the Christian law of universal peace and love, and then casting them forward perhaps not much farther, but beyond my own allotted time, I see you have a mission to perform. I look from Pisgah to the Promised Land; you must enter upon it. . . . To the motto upon my seal (*Alteri sæculo*) add *Delenda est servitus.*"

In the next year or two, Sumner spoke with great acceptance as the commencement orator at Amherst College and Brown University upon "Fame and Glory," and at Union College upon "The Law of Human Progress." It is to be remembered that in these years the Mexican War, fought for the extension of slavery, was the subject most in men's minds, and Sumner's uncompromising treatment of these timely topics became a potent force in shaping public sentiment. It was inevitable that the author of "The True Grandeur of Nations" should be drafted into the service of the Peace Movement. In 1849 he delivered the annual address before the American Peace Society, discussing "the abolishment of the institution of war, and of the whole system as an established arbiter of justice in the Commonwealth of Nations." Read at the present day, Sumner's plea for "a Congress of Nations, with a high court of judicature, or arbitration established by treaties between nations" seems prophetic of things which

were to come half a century later, and of hopes even yet deferred. This address called out warm commendations from men with whom he was later to be closely associated,—among others, Palfrey and Seward. Although his activity in the Peace Society ended in the following year, Sumner's interest in this movement continued unabated. In the Senate he was the frequent champion of arbitration; and in his will he left to Harvard College $1,000 in trust for an annual prize for the best dissertation by any student on "Universal Peace, and the methods by which war may be permanently superseded."

In this period, 1845–47, Sumner was drawn into a controversy which could hardly have arisen in any other city in the world. For twenty years there had been in existence the Boston Prison Discipline Society, with a membership made up of some of Boston's most aristocratic and philanthropic citizens. The principal question then at issue concerned the merits of the separate (Pennsylvania) system as contrasted with the congregate (Auburn) system. The officers of the Boston society favored the latter, and at the annual meeting, in the Park Street Church, in 1845, the perfunctory reading of the secretary's report was followed by a motion for its acceptance made by a prominent lawyer, who strongly condemned the Pennsylvania system. At that instant the dull monotony of the meeting came to an end, for near the front of the auditorium there rose a tall young man, in close-buttoned blue frock-coat. Mounting upon the rail of his pew, he passed rapidly

from pew to pew until he stood upon the platform, where with but scant courtesy to the chairman he plunged into a scathing arraignment of the report, which he continued to assail for half an hour. Said an eye-witness: "It was like the descent of some unknown and unexpected god from Olympus. There was anger and fear and impatience on the platform; but the congregation was with the speaker. He came like a breeze on a calm, dull day at sea."

Sumner was urged to make this protest by Dr. Howe, whose penological studies had led him to believe that the Society was doing gross injustice to the Pennsylvania system. Sumner's unwelcome interruption resulted in the appointment of a committee of investigation. The next year, and again the year following, the controversy was renewed. Its subject is too remote from present interest to make the mention of its incidents profitable; but at the time it stirred the city profoundly. In 1847 on eight hot evenings in May and June Tremont Temple was thronged with eager listeners to these debates, lasting till almost midnight. The chief attraction had come to be less the penological question at issue than the dauntless and unwearied champion who had entered the arena against the management of the Society and its rich and conservative supporters. Although time seems to have given judgment against the Pennsylvania system, all Sumner's moral enthusiasm was then aroused in what he believed was a battle for justice. In these debates he gained im-

mensely in self-control and in adroitness in dealing with opponents. One unfortunate result was that in the heat of his onslaught he little heeded the weight of his weapons, and, as many a time in later life, his words left wounds that never ceased to rankle, although he was quite unconscious of giving personal offense. An officer of the Society, who bore the brunt of the defense, was a man of the highest connections both by blood and by marriage in exclusive Boston society, and cold glances and curt greetings soon began to show Sumner how this "Boston" could resent what it deemed an affront.

Sumner had reached the parting of the ways. He had become an orator of high rank, but a career of any unity or stable effectiveness seemed far off. Moreover, he had aroused distrust if not aversion by his growing radicalism in American politics and by his avowed sympathy with ultra-democratic movements abroad, and also by the personalities which he had directed against some of Boston's most representative men. What was his future to be? Should he curb the impulses of the radical and reformer and conform himself to the standards of the conservative and cultivated society that had shown him warm hospitality upon his return from Europe? Hillard was making concessions which kept those doors open with friendly welcome for him; and few men have been more susceptible to the charm of luxurious surroundings and of cultivated society than was Charles Sumner. Or should he put his enthusiasm and eloquence without restraint at the

service of freedom and peace, and become a prophet of revolt? The decision was hardly left to Sumner. The call of the times determined the answer.

In no other state had the project to increase the power of slavery by the annexation of Texas aroused more opposition and resentment than in Massachusetts. The spirit of the Puritans breathed in the address prepared by Webster, Charles Allen and S. C. Phillips, for the convention which assembled in Faneuil Hall, January 29, 1845, to voice the Bay State's sentiment:—"Massachusetts denounces the iniquitous project in its inception, and in every stage of its progress; in its means and its end, and in all its purposes and pretenses of its authors." Yet not a few of the most influential Whigs held aloof from this protest, and when, a few weeks later, annexation became an accomplished fact, the Whig leaders as well as conservative business men showed a disposition to acquiesce and to try to focus attention upon the tariff as the chief issue between parties.

But it was clear that Southern leaders were aiming at the admission of Texas, that its influence might restore the balance in the Senate. Against this next step, all those Whigs whose opposition to slavery was a matter of principle joined in vigorous revolt. American party politics had seemed to Sumner sordid and repulsive, but now when the "Conscience Whigs" were brought together by their horror of the Texas "conspiracy," he did not hesitate as to where he should stand.

From his earliest boyhood Sumner's associations

had predisposed him against slavery. His father was a man of deep convictions as to the evil of the institution and outspoken in asserting the equal rights of men of every race. Sumner's first contact with slavery was in 1834. He had been brought up in Boston, had received the best that Harvard College could give, had finished his studies in the law school with distinguished credit, and was now making a leisurely trip to Washington. To his father he wrote: "The whole country [between Baltimore and Washington] was barren and cheerless. . . . For the first time I saw slaves, and my worst preconception of their appearance and ignorance did not fall as low as their actual stupidity. They appear to be nothing more than moving masses of flesh, unendowed with anything of intelligence above the brutes. I have now an idea of the blight upon that part of our country in which they live." [1]

It must be confessed that from this it would seem that the sight of men and women in bondage aroused little heat in the blood of this young Boston student. His æsthetic sensibilities were offended rather than his human sympathy kindled. The cause of the slave at first appealed to his head rather than to his heart. Nevertheless, the *Liberator* was the first paper to which he ever subscribed, and as early as 1836 he was raising the question with Lieber, then residing in South Carolina, whether emancipation were not practicable, and marveling that Lieber could endure the bondage of opinion at the South.

[1] February 24, 1834.

While in Europe Sumner discussed the subject with Sismondi, whom he found "a thorough Abolitionist, and astonished that our country will not take a lesson from the ample page of history and eradicate slavery." It was a gratification to Sumner's hereditary sentiment of race-equality to find at the Convent of Palazzuola "a native of Abyssinia, mingling in delightful and affectionate familiarity with the Franciscan friars, whose visitor and scholar he was." And among the listeners at lectures in the École de Droit he was glad to see two or three blacks, or rather mulattoes,—two-thirds black, perhaps,—dressed quite *à la mode*, and having the easy, jaunty air of young men of fashion, who were well received by their fellow students. . . . Their color seemed to be no objection to them. I was glad to see this; though with American impressions, it seemed very strange. It must be, then, that the distinction between free blacks and whites among us is derived from education, and does not exist in the nature of things." Sumner showed his own sentiments as to race equality by canceling—as did Emerson—an engagement before a Lyceum which had adopted a rule for the exclusion of colored persons from their lectures,—a rule which his protest caused to be rescinded.

Upon his return to America, his first contact with slavery issues was in the question as to the right of inquiry to determine the nature of a suspected slaver on the high seas, and in the *Creole* case. In both instances his writings were those of a jurist, but in

the *Creole* controversy his human sympathies are frankly avowed. He collaborated with Dr. Channing in his stern arraignment of Webster's letter upon this case. In Sumner's correspondence his opposition to slavery takes on a note of greater severity and there appear in germ some of the doctrines which he was to develop later :—his contention, for example, that slavery was purely a local institution, drawing its vitality from state laws; and his insistence that "the great moral blockade, with which the South was to be surrounded, be strengthened and more firmly established." He indignantly repudiated the notion that because Northern opponents of slavery were debarred from interfering politically with the evil in the states where it existed, they were called upon to suppress their sympathy with the slave and their detestation of the system of which he was a victim. Sumner held that slavery was a national evil, for which to a large extent the nation and all its parts were responsible, and which to a large extent the nation might remove. He was greatly aroused by the rendition of several slaves from Boston. To Longfellow, then in Europe, he appealed to send home some poems on slavery,—"some stirring words that shall move the whole land"; Whittier, too, he urged to attack the evil. "The literature of the world," he wrote, "is turning against slavery. We shall soon have it in a state of moral blockade."

Sumner always insisted that he was "a Unionist and a Constitutionalist"; the aggression of the South

brought him into the political arena. He denounced the attempt to annex Texas as "infamous," involving a violation of the Constitution and the laws of nations, and the principles of good morals and fellowship. Not until the question of the admission of Texas as a slaveholding state arose had Sumner ever spoken at a political meeting or sought to express in public his opposition to slavery; he had had no relish for politics, and he had too much reverence for the Constitution to ally himself with Garrisonian Abolitionists. But from the hour when in Faneuil Hall he stood forth to oppose the admission of the new slave state, he never turned back. His aim, as he declared to Cobden, a little later, was "to see slavery abolished everywhere within the sphere of the national government,—which is in the District of Columbia, on the high seas, and in the domestic slave trade; and beyond this, to have this government for freedom, so far as it can exert an influence, and not for slavery."

To the "Conscience Whigs" of Massachusetts the admission of Texas only emphasized the need of more vigorous resistance for the future. At that time the Boston Whig press was far less sensitive to the evils of slavery than to suggestions from those identified with manufacturing interests that no division must be occasioned in Whig ranks. Finding editors unwilling to allow them any wide freedom of expression, Palfrey, Adams, Sumner, S. C. Phillips and Wilson bought a struggling newspaper, and in the summer of 1846 the *Daily Whig* was launched

with Charles Francis Adams as its editor and Charles Sumner as a frequent contributor.

The logical sequel of the annexation of Texas was the war with Mexico. In the two houses of Congress, only sixteen men had the honesty and courage to vote against the war appropriation bill, which supporters of the administration had had the effrontery to preface by the declaration, "By the act of the Republic of Mexico a state of war exists between that government and the United States." The disgrace of the Whig party was the greater since it is clear that the war measure would have been passed without their votes, reluctantly given, doubtless from the fear that a failure to support the army at the front would react heavily against them, as against the Federalists in 1812, and injure their prospects in the approaching election. Massachusetts sentiment was pronounced against the war bill, and all her Whig members but two voted against it. Both of these were from the eastern part of the state, and the dominant one was Robert C. Winthrop.

Winthrop was a man after Boston's own heart. In a community where pride of birth counted for much, he was the head of the family most distinguished from the earliest colonial days. He had ample means, and from his studies he had gone directly into public life. In his twenties he had been speaker of the Massachusetts House of Representatives, and at thirty he had been sent to Congress, where he had served with distinction and to the entire satisfaction of his aristocratic and con-

servative constituency. He was a polished gentleman and an orator of high rank. In debate he was said to be the peer of any member of the House.

He offered no explanation of his vote in favor of the war measure, and until midsummer the Whig press of Boston made hardly any reference to this break in the Bay State delegation. In July, however, Adams came out in the *Whig* with a severe criticism of Winthrop's vote as a "positive sanction of the acts of the administration," and raised the question whether he had not thereby "set his name in perpetual attestation of a falsehood." Friendly editors hurried to Winthrop's defense, urging that the situation was a complicated one, and that, in supporting the measure for the national defense, his vote did not necessarily imply approval of its preamble. It was at this stage that Sumner took a hand in the controversy,—not willingly, for he had had friendly personal relations with Winthrop and cordially approved most things in his public career. But at the urging of Adams and others he published a letter, signed "Boston," in which he denied the right of a representative to put his name to a legislative lie. In a second letter, he insisted that the bill, which comprised at once a virtual declaration of war and a false statement as to its origin, ought to have been opposed by the entire delegation; yet he again took occasion to express his high regard for Winthrop's character and public service. Sumner then wrote a note to Winthrop, frankly avowing himself the author of these

two letters. In his reply Winthrop showed that he was smarting under what he deemed unjust censure, but expressed the hope that circumstances might occur which would enable them to restore their pleasant relations without loss of self-respect on either side. Sumner responded with a personal letter, which explained how reluctantly he had become Winthrop's critic, but insisted that a congressman's vote was public property, and that it was the duty of one who felt as he did upon that vote to denounce it distinctly, unequivocally, and publicly. He closed with the words: "I hope, my dear sir, that we may always meet as friends. It will not be easy for me to proceed into any other relation." Nevertheless, only three days later, Sumner published a third article on "Mr. Winthrop's Vote on the War Bill," more rhetorical and denunciatory than the two earlier ones. He asserted that Winthrop by that vote had "given his sanction to all the desolation and bloodshed of the war. . . . Surely this is no common act. It cannot be forgotten on earth; it must be remembered in heaven. Blood! blood! is on the hands of the representative from Boston. Not all great Neptune's ocean can wash them clean!"[1] To Winthrop this letter seemed "full of insinuations as to his motives and imputations on

[1] In an open letter to Winthrop, two months later, Sumner reiterated and heightened these charges: "Through you, they [the people of Boston] are made to declare unjust and cowardly war, with superadded falsehood, in the cause of slavery." This guilt "incarnadines the halls of Congress; nay, more, through you it reddens the hands of your constituents in Boston."

his integrity," and he declined further social relations with a man who had thus arraigned him, adding, "My hand is not at the service of any man who has denounced it with such ferocity, as being stained with blood."

This incident has been narrated with some fulness for two reasons. In the first place, it affords an excellent illustration of certain peculiarities of Sumner's mind and habit. He rarely spoke extemporaneously or wrote hastily. Whatever he said or published had been carefully elaborated in the quiet of his study. He was not a rhetorician in the sense that he sought to make the worse appear the better reason, but when once he became convinced that a man or an act ought to be denounced, he gave himself up to the task with an *abandon* like that of the writer of the imprecatory Psalms. His sense of proportion gave way under the orator's impulse and he would repeat and heighten his charges with a nagging persistence often more exasperating than the substance of the arraignment. He also remained strangely obtuse to the pain which his words were causing. Looked at from a distance of threescore years, the historian does not hesitate to pronounce Winthrop's vote a serious mistake; though, in view of all the facts, he cannot doubt that in the perplexity of the case, the vote was honestly and conscientiously given. Yet in public print, Sumner, in a fierce crescendo of denunciation, could accuse Winthrop of sanctioning "unquestionably the most wicked act in our history,"—and at the

same time he could expect to continue with him upon terms of personal friendship.

The other point of most importance in connection with this controversy is its social and political effects upon Sumner. His attacks upon Winthrop created a deep and lasting bitterness toward him on the part of Winthrop's friends. He was the idol of Boston's best society. From this time, houses where Sumner had been a frequent and welcome visitor were closed to him.[1] When a guest at a party given by Mr. Ticknor asked if Mr. Sumner were to be present, that social autocrat replied: "He is outside the pale of society." This ostracism was imposed upon others who refused to banish slavery to the background of politics. Even Adams, despite his family history, was not exempt, while Palfrey and Dana and many another met with slights and rebuffs from those who had hitherto seemed warm friends. This ostracism brought to Sumner a keener hurt than to other anti-slavery leaders, for he had no hearth of his own, and the hospitalities of these beautiful Boston homes had been a solace and a delight. "It is the opposition to Winthrop that aroused personal feelings against me," he wrote to his brother. "It has cost me friendships which I valued much." But he had no thought of bartering his manhood to retain them.

[1] Sumner once told Phillips: "Never after that act [his espousing the anti-slavery cause] did I receive a single invitation except from Longfellow at Cambridge and Prescott in Boston." Of course this ostracism came to an end before his last years. —Phillips, as reported in Boston *Daily Advertiser*, March 13, 1877.

In the fall of 1846 Sumner attended his first caucus and began to take an active hand in party politics. In the Whig convention the managers had planned to have Winthrop make a speech "giving the key-note"; but urgent calls arose for Sumner, and he took the platform and made an earnest plea that the party then and there, in Faneuil Hall, "vow perpetual allegiance to the right and perpetual hostility to slavery."[1] He pledged his adherence to constitutional methods, but affirmed that the Constitution might and should be amended so as to make possible more aggressive action against slavery. Winthrop's speech emphasized other issues, particularly the tariff, and its obvious intent was to arrest any tendency toward committing the party to a definite anti-slavery policy. Then followed the consideration of resolutions proposed by the "Commercial Whigs" and of another series clearly voicing the sentiments of the "Conscience Whigs." Excitement grew intense. It seemed likely that the anti-slavery resolutions would be adopted, when, after hurried consultation with other leaders, Lawrence went out and returned escorting Daniel Webster. The effect was electric. Delegates parted to right and left, opening a path, as that majestic presence advanced to the

[1] "Sumner besought Webster to heed the changing aspects of the time, and add to his great title, Defender of the Constitution, the greater name, Defender of Humanity. Alas! it was demanding dawn of the sunset! It was beseeching yesterday to return to-morrow! It was imploring Webster to be Charles Sumner!"—G. W. Curtis, *Orations*, Vol. III, p. 228.

front of the hall. Not a word did he say; yet his coming instantly started crystallization among the turbulent elements. In spite of earnest pleading from Charles Allen, the Young Whigs' amendment was doomed. No sooner were the slated resolutions passed than Webster addressed the convention, closing with the impressive words: "For my part, in the dark and troubled night that is upon us, I see no star above the horizon promising light to guide us but the intelligent, patriotic, united Whig party of the United States."

In a review of the proceedings of the convention, Sumner charged that it had been dominated by those who regarded the tariff as a higher principle of union than love of freedom. One editor after another declined to print this, either because it would alienate proprietors and advertisers, or on the ground that it would widen dissensions within the party; but Adams brought it out in the *Whig*. Sumner's next activity was in connection with a Faneuil Hall meeting to voice indignation at the recent abduction of a fugitive slave, which had been carried out in contempt of the laws of the commonwealth. At the solicitation of Sumner and Howe, John Quincy Adams consented to preside over the meeting. It was the last time he was to appear before a public assemblage in Massachusetts. But neither the presence of the commonwealth's first citizen nor the addresses of Sumner, Phillips, Parker and other eloquent speakers could give respectability to such a gathering in the view of

Boston's leading merchants and manufacturers. They were conspicuous by their absence. The meeting received scant notice in the newspapers, and most of them referred to it in terms of censure.

At the time when the *Whig* began its outspoken criticism of Winthrop for his vote upon the Mexican War measure, there was no thought of organizing opposition to his return to Congress; but as the election drew near, the anti-slavery leaders became convinced that it would be wise, since the issue had been made so sharp, to place another candidate in the field, not with any expectation of electing him, but in order to furnish a rallying point for moral sentiment. Sumner was the logical selection. It was he who had forced the issue to the front. At the time of the meeting to put a candidate in nomination, Sumner was in Maine. The mention of his name was greeted with tremendous applause, and his service seemed so essential to the strengthening of the movement that in spite of his repeated refusal to allow consideration of his name, he was forthwith nominated. But Sumner felt a repugnance not only to office-holding in general, but to this office in particular, lest his criticism of Winthrop's course should be suspected to have sprung from an ambition to succeed him. Although many of his friends thought him oversensitive to any charge of place-seeking, he could not be swerved from his purpose, and positively declined to stand for election. Dr. Howe's name was substituted. In the meeting in his support Sumner made most ef-

fective use of an historical parallel: he recalled how Chatham, Burke and Fox had been unceasing in their denunciation of what they deemed an unjust war, and insisted that in America at that moment the higher patriotism demanded the instant withdrawal of our troops from Mexico. The result of the campaign was at no time in doubt. Winthrop was elected, Howe's supporters having made but small inroads upon the normal Whig vote in support of a regular nominee of such eminence. But Massachusetts' attitude was, in a way, authoritatively reversed a few weeks later when the legislature, by a vote of nearly two to one, adopted a series of resolutions (which Sumner had drafted for a legislative committee) in connection with a report upon the Mexican War. These denounced the war in unmeasured terms, and called for the withdrawal of American troops from Mexico, a doctrine which Adams declared Sumner had been the first man in the United States to proclaim and to argue at length.

In the fall of 1847 Sumner was placed at the head of the one hundred and more Boston delegates to the Whig state convention. Here again the contest was renewed between the two wings of the party, especially over Palfrey's resolution, binding Massachusetts Whigs to "support no men for the offices of President and Vice-President of the United States but such as are known by their acts or declared opinions to be opposed to the extension of slavery." Palfrey, Sumner, Adams and Allen spoke earnestly

in favor of thus making resistance to slavery the paramount issue in the selection of candidates, a sentiment which was greeted by hisses especially from the ranks of the Boston delegates. Winthrop led the opposition to the passage of this resolution and succeeded in defeating it, thus for the second time blocking the purposes of the anti-slavery men in state convention. In the ensuing session of Congress Winthrop was a candidate for the speakership, and Southerners were the more attracted to him from the fact that he had made himself obnoxious to anti-slavery men in his own state. Before the balloting began, Palfrey sent to Winthrop certain inquiries as to the policy which he intended, if elected, to promote by his committee appointments, particularly in regard to the continuance of the Mexican War and other matters relating to slavery. Winthrop refused to make any advance statement, and in consequence both Giddings and Palfrey—although personally urged by John Quincy Adams to vote for Winthrop—voted against him, an action which called down upon them the wrath of the conservative Whigs.[1] Sumner immediately sent Palfrey a letter of warm commendation and came to his defense in two spirited newspaper articles, insisting that a man who deemed opposition to slavery the one essential issue and who was an unwavering op-

[1] It was this vote of Palfrey's that called forth the famous "Remarks of Increase D. O'Phace, at an extrumpery caucus in State Street, as reported by Mr. H. Biglow," beginning

"No? Hez he? He hain't, though? Wut? Voted agin him?
If the bird of our country could ketch him, she'd skin him!"

ponent of the war, could not with self-respect support a man who was hesitating in his attitude toward slavery and whose vote had given sanction to the war.

CHAPTER VII

MASSACHUSETTS AND THE COMPROMISE: SUMNER'S ELECTION TO THE SENATE

No sooner was the war with Mexico at an end than the question became urgent, what should be done with the ceded territory, and what would be the effect of the acquisition of such domain upon the balance between the free and slave states? So big with embarrassment and danger had this question loomed in advance, that not a few men had sought to forestall it by securing from Congress before the end of the war a declaration against any acquisition of territory from Mexico. To this scheme both Webster and Winthrop gave their earnest support. To Sumner, on the other hand, the project seemed futile, for he believed that the acquisition of such territory was a thing inevitable. Moreover, throughout his life, he showed himself a zealous expansionist whenever he believed annexation of the territory in question would make for both the strength of the nation and the advantage of the people to be annexed.[1]

The year 1848 was a time that tried men's souls. Perhaps the hardest testing came to the old members of the Whig party of the type of Webster. Conscious of the party's weakness with the mass of

[1] *Infra*, pp. 318–319; 363–364.

the people, the Whig leaders again made anxious search for a vote-getter as their candidate for the presidency, and finally nominated Taylor, a Louisiana slave-owner who had won glory in the victories of a war instigated and fought to advance the interests of slavery. Upon the instant, this stultifying nomination opened schism in the party: Charles Allen and Henry Wilson, the most influential members of the Massachusetts delegation in the national convention at Philadelphia, declared that they would do all in their power to defeat the nominee, and withdrew from the convention, Allen declaring that the Whig party was from that day dissolved.[1]

Indeed, its dissolution had already been foreseen, and in Massachusetts there had been prepared in Sumner's office a call for a convention of all citizens of the commonwealth opposed to the nomination of Cass and of Taylor.[2] This call was headed by Charles Francis Adams, and Sumner's name stood second on the list of signers. In response, there gathered in Worcester, June 28, 1848, a throng of 5,000 earnest opponents of slavery, and beneath the trees of the Common—for no hall would hold the crowd—as Sumner himself later asserted, "was the beginning of the separate Free Soil organization in

[1] G. F. Hoar, *Autobiography of Seventy Years*, Vol. I, p. 146. Wilson, *Rise and Fall of the Slave Power in America*, Vol. II, p. 136.

[2] Folding and directing the call for this convention was the first political work ever done by George Frisbie Hoar.—*Autobiography*, p. 148.

Massachusetts, which afterward grew into the Republican party." Half a century later Senator Hoar recalled as the most vivid impression of that memorable day "the manly form of Charles Sumner in the splendor and vigor and magnetic power of his youthful eloquence." [1] Strong anti-slavery resolutions were adopted, and six delegates were chosen to attend a convention which was held, six weeks later, at Buffalo, where Martin Van Buren was nominated for the presidency. Sumner attended this first national convention of the Free Soilers, but not as a member, since it was thought good politics to choose the delegates from among leaders who had been closely identified with existing parties.

[1] Over words used by Sumner in his speech at Worcester, charging that Taylor's nomination had been "brought about by an unhallowed union, conspiracy rather let it be called, . . . between the Lords of the lash and the Lords of the loom," a heated controversy arose between Nathan Appleton and Sumner. Copies of these interesting letters were presented in manuscript to the Boston Public Library in 1874. In justifying his language, Sumner tells of an interview with Abbott Lawrence, on the latter's invitation, in which, ten days before the Philadelphia convention, Lawrence told Sumner that Taylor would be nominated and that he had consented to allow his own name to be used for Vice-President. Sumner most earnestly protested, but Lawrence said: "What can I do about it? I am in up to the eyes." Mr. Appleton insisted that for months before the convention met he had been convinced that Taylor was the only Whig who could be elected; that he could be, and was worthy to be; that there was no chance of Webster's being either nominated or elected. Lawrence's nomination he believed was defeated "by his fellow citizens and neighbors" and he added: "I consider the conduct of Allen and Wilson in that convention as the most disgraceful piece of political swindling which has ever fallen within my ken, a transaction from which every honorable mind should revolt."

Into the campaign which ensued Sumner threw himself with great vigor. He was made chairman of the committee charged with its management. There was urgent demand for his services in other states, but, with the exception of a week of campaigning in Maine, he devoted all his energies to his own state. He spoke in twenty-seven cities and towns. Everywhere he captivated his audiences, winning approval of his speeches even from opponents and a hostile press, which called him the "Demosthenes" of his party. Though he ordinarily spoke for three hours, he kept his hearers keyed to a high pitch of enthusiasm. Only at Cambridge did he encounter disturbance, till it was silenced by Sumner's retort: "The young man who hisses will regret it ere his hair turns gray. He can be no son of New England; her soil would spurn him."

What this campaign meant for Sumner's future was perhaps less clearly understood by him than by some of his friends. It made him known, throughout the state, no longer merely as a platform orator upon literary themes, but as an effective political leader and debater. Longfellow wrote in his diary on October 22, 1848: "Sumner stands now, as he himself feels, just at the most critical point of his life. Shall he plunge inevitably into politics or not? That is the question; and it is already answered. He inevitably will do so, and after many defeats will be very distinguished as a leader. . . . From politics as a career he still

shrinks back. When he has once burned his ships, there will be no retreat. He already holds in his hands the lighted torch."

Sumner received the unanimous nomination of the Free Soilers for member of Congress from the Boston district. There was no hope of securing his election, but the campaign of education was effective, notwithstanding the fact that he polled less than a third the number of votes that were cast for Winthrop. But Sumner shared with other leaders of the movement the bitter resentment of the Whigs against the Free Soilers, painful separations from former friends and violent abuse from the Boston press. He felt these hurts keenly, but consoled himself with John Quincy Adams's words to him, in the last year of his life, "No man is abused, whose influence is not felt."

As a result of their efforts in the national election of 1848, the Free Soilers saw little prospect of making large enough accessions to their ranks to play an important part as an independent organization. To many of their leaders, including Sumner, it seemed wisest to adopt an opportunist policy: to hold fast to their anti-slavery principles, but to seek their practical advancement by voting with the party which would make the most valuable concessions. An alliance between Whigs and anti-slavery men in New Hampshire had already succeeded in electing John P. Hale to the United States Senate. Forthwith a similar coalition began to be mooted in Massachusetts between the Free

Soilers and the Democrats. Their combined vote would exceed that of the conservative Whigs by nearly 12,000. To this policy of coalition Sumner felt none of the repugnance which held back many of his former friends, whose connection with the Whig party had been more intimate than his. Party to Sumner, all his life long, was merely a means to an end. In their state convention in 1849 the Democrats adopted resolutions opposing the extension of slavery in the territories. Sumner therefore favored alliance with them in the election of anti-slavery candidates. With little effort they succeeded in electing thirteen members of the Senate and one hundred and thirty of the House,—a long step toward the more effective coalition of the following year.

In the country at large there were beginning to appear results of the Mexican War vastly different from those sought by the men who forced it upon the country. The convention that framed the constitution on which was based California's application for admission to the Union, by unanimous vote inserted in it a section prohibiting slavery, and the people of New Mexico forthwith petitioned Congress that slavery be prohibited in the law for their territorial government. The thought of such concessions was intolerable to Southern leaders in Congress, and in 1849 and 1850 they did not hesitate to threaten secession if Congress should prohibit slavery in the territories or admit California as a free state. The issue had become full of menace, when Clay in-

troduced his scheme of pacification ; its provisions were under debate for many months before they finally secured enactment as separate laws, which have become known collectively as the Compromise of 1850. Its fate still hung in the balance, when Webster came to its support. It is needless here to review the arguments of that epoch-making speech. There is no question that it exercised a most potent influence in securing the adoption of the compromise measures. But the fact that here needs emphasis is that Webster's Seventh of March speech produced a revolution in Massachusetts politics by virtue of which within a few months Webster's place in the Senate was taken not by his logical successor, Winthrop, but by the radical, Sumner.

Historians may continue to debate whether ambition or enlightened patriotism dictated that speech. Our present concern is with its effect upon Massachusetts. The Webster who had repeatedly opposed the extension of slavery and who had taken the lead in insisting that the Wilmot Proviso must be applied to the territory ceded by Mexico, now opposed such restrictions. That Webster should find himself out of sympathy with some Abolitionists was not strange ; but in this speech he showed no discrimination between radicals who denounced the Constitution as a league with Hell, and men of an utterly different stamp, who urged that the national government's acts should extend rather than curtail the domain of freedom :—all these he grouped together and heaped upon them coarse

abuse and derisive epithets. Most disheartening of all was the support which he gave to the barbarous Fugitive Slave Bill. The feeling produced in the hearts of thousands throughout the commonwealth found fitting expression in "Ichabod," which Whittier declared was written "in one of the saddest moments of my life," as "the outcome of the surprise and grief and forecast of evil consequences" caused by the reading of this speech:

> "So fallen! so lost! the light withdrawn
> Which once he wore!
> The glory from his gray hairs gone
> Forevermore!"

Nevertheless, as the summer months came and the compromise measures still hung in suspense, Webster's arguments and influence began to tell strongly with the timorous and with the traders. Dana later declared: "The truth is, Daniel Webster was strong enough to subjugate for a time the moral sentiment of New England."[1] Massachusetts manufacturers and Boston merchants were persuaded that there was no chance of securing protective modifications of the tariff unless at the price of concessions to the South. In less than a month from the time when Webster broke his silence, his course as to the Compromise was approved in a public letter, signed by hundreds of Boston's most representative men, including not a few in Sumner's

[1] From his diary, June 25, 1854. Adams's *Biography of Dana*, Vol. I, p. 286.

circle of intimates—even Prescott and Felton; and the news of the final passage of the Compromise was hailed by the firing of a hundred guns on Boston Common. Meantime, in July, Webster had become Fillmore's Secretary of State and Winthrop had been appointed to the seat temporarily vacant in the Senate. To fill the vacancy thus caused in the House, Sumner was nominated by the Free Soilers, but was defeated by a vote of five to one, by S. A. Eliot, whom the Whigs nominated avowedly because of his earnest support of the Compromise, and whom Webster greeted in a private letter, upon his arrival in Washington, as "the personification of Boston,—ever intelligent, ever patriotic, ever glorious Boston."[1] Eliot, who had voted for the anti-slavery resolutions recently passed by the Massachusetts legislature, now voted in favor of the Fugitive Slave Bill. He declined reelection at the end of his brief term, and was succeeded by another of Boston's leading citizens of similar views.

The enforcement of the new Fugitive Slave Law soon aroused intense opposition throughout the North. Nevertheless reclamations were made in various cities, even of persons who under the older law had been safe from seizure. The expression of anti-slavery sentiment in Boston and especially the holding of a meeting in Faneuil Hall to denounce the new law seemed to arouse its upholders to a de-

[1] Eliot was the man whom Sumner had most strongly antagonized in the Prison Discipline controversy. *Supra*, p. 98.

termination that in Boston it should be most rigorously enforced. A few fugitives were spirited away, but this only stirred the national administration to renewed energy. Webster, himself, from his office of Secretary of State, "took a personal interest in having the law executed in Boston, and assumed the direction of the prosecutions, although it properly belonged to the Attorney-General." [1]

Sumner was one of the defense of Sims, a negro living in Boston, who was claimed by a Georgia slaveholder. Sumner laid emphasis upon the unjudicial powers delegated by the new law to a commissioner—not a judge—in that without trial by jury he could give a certificate of rendition, although the negro was not allowed to speak in his own defense and no adequate means were provided of testing the truthfulness of the claimant's testimony. But all efforts in Sims's behalf proved unavailing.

Boston adherents of compromise presently found divers means of disciplining those who were not yielding it a supine compliance. Ostracism such as Sumner had earlier experienced was now extended to others, and the leading Boston papers opened their columns to communications urging that Sumner and Howe, Dana and Parker and others named be boycotted (in modern phrase) not only in social but also in business relations, that the cutting off of their livelihood might reduce them to silence.

Even before the Compromise measures were finally adopted by Congress, the Free Soilers in the Massa-

[1] Adams, *Biography of Dana*, Vol. I, p. 228.

chusetts legislature had been outspoken in their denunciation, and demanded the passage of resolutions which should put the state in opposition to the attitude that Webster had assumed. In all this movement the lead was taken by Henry Wilson, the "Natick Cobbler," who has probably never been excelled in Massachusetts in his power of getting close to the great masses of the people and of understanding their thought and will. To the Whigs, who defeated these resolutions, he boldly declared: "I will go out from this hall, and will unite with any party or body of men to drive you from power, rebuke Daniel Webster, and place in his seat a senator true to the principles and sentiments of the commonwealth." At his call, as chairman of the Free Soil state committee, there assembled early in September fifty or more of the leading Free Soilers. He bluntly stated the object of the meeting to be to "consider the policy of coöperation with the Democrats at the next election," particularly with reference to securing the election of a United States senator. This proposed coalition was earnestly opposed by the more prominent of the Free Soil leaders, such as Palfrey, Adams, Dana and Samuel Hoar. They were Whigs of many years' standing, and could not overcome a repugnance to alliance with the Democrats,—a repugnance which Sumner did not share. In this matter he proved himself a better prophet and a shrewder politician than men more versed in party warfare. In the middle of October he wrote to Charles Allen: "Nothing is

clearer to me than this. Our friends should, if possible, secure the balance of power in the legislature, so as to influence the choice of senator. Some are sanguine that we can elect one of our men. I doubt this, but by a prudent course and without any bargain, we can obtain control of the [state] Senate. We can then at least dictate to the Whigs whom they shall send." [1] To Horace Mann, at that time a candidate for reëlection to Congress, he wrote a fortnight later, urging him to take the field at once. "In what you say, be careful not to disturb Democrats. They are desirous of an excuse for supporting you." [2]

Massachusetts Democrats, upon their side, were favorably disposed to coalition, not only because of their opposition to the Compromise but because the existing system of representation in the state did them great injustice. The constitution required that the election of state officers should be by a majority vote; otherwise, the election was thrown into the legislature. Moreover, each town elected its representatives on a general ticket, with the result that to every legislature Boston sent forty-four Whigs; whereas if the city had been districted, the minority party would have received a very considerable representation. Further, this solid block of Whigs was elected every year from Boston, whereas towns below a certain population were allowed to send a representative only a proportional number of years in a decade. In the year 1850, however,—the year pre-

[1] Pierce, Vol. III, p. 218. [2] *Ibid.*, p. 219.

ceding a decennial state valuation,—each town was allowed to send at least one member; the result was that in the large legislature of that year there were many more Democrats than usual, smarting under the injustices done their party.

The campaign was sharply contested. The state was thoroughly covered by the ablest Free Soil speakers, helped not a little by the eloquence, spirited if crude, of a number of young men fresh from college, whose first inspirations in politics may well have come from Sumner's Lyceum lectures. The excitement was made the more tense by the fact that a fugitive slave case was pending in Boston in the closing days of the campaign. In most of the counties and towns the Democrats and Free Soilers united in support of the same candidates for the legislature, and their alliance returned Mann to Congress.

In Faneuil Hall, Sumner brought the campaign to a climax in one of the most effective speeches of his life.[1] After brief discussion of the local issues of the hour, he launched into a scathing denunciation of the new Fugitive Slave Law. He pointed out its barbarous invasion of human rights, declaring that the soul sickened at the contemplation of this legalized outrage. He challenged the mention of any act of shame in the dreary annals of the past that could "compare in atrocity with this enactment of an American Congress." Of the President

[1] "Our Immediate Anti-Slavery Duties," November 6, 1850. *Works*, Vol. II, pp. 398–424.

who signed it, he said: "Other Presidents may be forgotten; but the name signed to the Fugitive Slave Bill can never be forgotten. There are depths of infamy as there are heights of fame. . . . Better for him had he never been born." Referring to the fact that he himself was a commissioner of a United States court, "before whom the panting fugitive may be dragged for the decision of the question whether he is a freeman or a slave," Sumner said, "I cannot forget that I am a *man*, although I am a *commissioner*,"—a sentence which his opponents in Massachusetts at the time and later in Washington caught up as proving him to be reckless and inflammatory in word and in deed. He invoked not violence, but "the contempt, the indignation, the abhorrence of the community" as the weapons which should drive the slave-hunter out of Massachusetts. To the oft-urged claim that the Compromise had settled the slavery question, came his ringing retort, "Nothing, sir, can be settled which is not right!"

That speech made Sumner the inevitable choice for the Senate. Its deliberate intent, as he later declared, was to "create a public sentiment which would render the enforcement of the Fugitive Slave Law impossible." His audience and the state were fired by his eloquence and by his courage. The foes of compromise instantly saw that the placing of such a force in the Senate would be the greatest gain they could possibly secure for their cause. In the election the coalition obtained unhoped for success.

They blocked the election of a governor, and chose a majority of ten of the senators and of fifty-four in the House. Other names were suggested as possibilities for the Senate, but as the time for the assembling of the legislature approached, Sumner's name was everywhere conceded to be the one that would be fixed upon, not only because of his bold and effective leadership, as in the Faneuil Hall speech, but also on the ground of political expediency, since Sumner had not antagonized Democrats by leadership in the Whig party.

Charles Francis Adams wrote to him from Washington, saying, "The only full consideration that we can receive [for the coalition] is in securing your services in the Senate." To this Sumner responded ingenuously, acknowledging that such an election would be a grateful vindication of himself against the attacks to which he had been exposed, and that it would open up an attractive sphere of usefulness. "But," he added, "notwithstanding these things, I must say that I have not been able at any time in my inmost heart to bring myself to desire the post or even to be willing to take it. My dreams and visions are all in other directions. In the course of my life I have had many; but none have been in the United States Senate. In taking that post, I must renounce quiet and repose forever; my life henceforward would be in public affairs. I cannot contemplate this without repugnance. It would call upon me to forego those literary plans and aspirations which I have more

at heart than any merely political success."[1] No charge is more groundless than that Charles Sumner sought this office.

Promptly upon assembling, the two houses of the legislature organized by the election of Henry Wilson, President of the Senate, and Nathaniel P. Banks, Speaker of the House, positions which, by a strange coincidence, they were both soon to occupy in the national legislature. Conference committees of the Free Soilers and Democrats came together to determine the programme of elections. The one thing upon which the Free Soilers insisted was that a Free Soiler, chosen by them, should be elected to the United States Senate for the full term; in consideration of this they were willing to turn over to the Democrats all the state offices as well as the senator to be chosen for the few weeks of Winthrop's unexpired term. In their caucus, January 7th, the Free Soilers gave a practically unanimous nomination to Charles Sumner; but when his name was presented to the Democratic caucus, some members demurred, preferring a less radical anti-slavery leader. The matter was referred to the decision of a two-thirds vote, and Sumner received fifty-eight votes to twenty-seven for all others, so that his nomination was formally approved, with but five Democratic votes against him. George S. Boutwell, Democrat, was forthwith elected governor, and the other state offices were filled in accordance with the programme. But presently it transpired that Caleb

[1] December 15, 1850. Pierce, Vol. III, p. 233.

Cushing, although he had voted in favor of abiding by the two-thirds' decision, was organizing opposition to Sumner's election among the Democrats and that some Free Soilers—even Palfrey, in an open letter to members of the legislature,—were questioning the desirability of electing a pronounced Free Soiler to the Senate.

In order to elect a senator, the law then required the concurrent vote of the two houses. On the day appointed for the election in the House, the corridors and galleries were thronged. Intense excitement prevailed. The ballot resulted in one hundred and eighty-six votes for Sumner (one hundred and ten Free Soil, and seventy-six Democrat) to one hundred and sixty-seven for Winthrop, with twenty-eight scattering votes. Sumner had failed of an election by five votes. The outcome provoked much anxious and angry discussion, the Free Soilers resenting the Democrats' defection. This proved the beginning of the longest deadlock that Massachusetts has ever known. For three months and over, the election hung fire, Sumner's vote on different ballots in the House falling anywhere from two to twelve short of the number necessary to elect. Meantime, early in the session, he had been elected on the part of the Senate, and a Democrat had been duly elected by both houses for the vacancy which Winthrop was filling till his successor should be chosen.

The delay encouraged the opposition, and they set upon the Free Soilers and upon Sumner in par-

ticular with every sort of abuse. The coalition was assailed in the press as "scandalous," involving a "base juggle," "self-abasement" and "profligacy"; it was even declared an "indictable offense," "criminal not only in morals but in the law of the land." Every similar alliance which Whigs had made in earlier contests was banished from memory. By faint-hearted adherents Sumner was urged to modify the expressions of his Faneuil Hall speech. This he promptly refused to do. He was waited upon by deputations of anxious Democrats, who begged for some assurance that, if elected, he would not agitate the slavery question in the Senate. His unvarying answer was that he had not sought the office, but that, if it came to him, he should enter upon it absolutely untrammeled. To John Bigelow he wrote: "It is very evident that a slight word of promise or yielding to the Hunkers would have secured my election; but this is impossible. The charge used with most effect against me is that I am a 'disunionist'; but the authors of this know its falsehood, —it is all a sham to influence votes. My principles are, in the words of Franklin, 'to step to the verge of the Constitution to discourage every species of traffic in human flesh.' I am a constitutionalist and a unionist, and have always been." [1]

While refusing to make any concession or pledge, Sumner again and again told individuals that he was willing to stand aside for any other candidate who would be true to freedom and better unite the

[1] January 21, 1851. Pierce, Vol. III, p. 239.

members of the legislature; and in a letter to Wilson, to be communicated to the Free Soil members, he bade them abandon him whenever they thought best, without notice or apology. But his adherents stood firm, believing that Sumner better than any other leader could serve the cause of freedom in the Senate. After many earlier discussions, the Free Soilers in caucus, March 17th, formally determined not to present any other candidate. In their official organ his Faneuil Hall speech was reprinted in full, as still acceptable to the men of the party. Yet the advice of the governor, who already held his office as a result of votes given in anticipation of Sumner's election, was for the substitution of a less radical man.

The long delay in the fulfilling of pledges was felt by many members of the House to be undermining their hold upon their constituents. Indeed, it was by pressure from outside that the end of the conflict was finally forced. Resort was had to a provision of the Massachusetts Bill of Rights, for years unused, by virtue of which at special town-meetings, legally called for that purpose, the voters in several towns met and by formal vote "instructed" their representatives to support Sumner. To such a mandate they yielded prompt obedience.

For three weeks early in April no vote was taken, for the law did not then, as now, require daily ballots. Upon the renewal of the voting Sumner lacked but a single vote. Ostensibly to prevent difficulty from ballots sticking together, a Boston Whig moved

that the ballots be enclosed in uniform envelopes. It was suspected that the real object of the motion was to enable some Democrat with less observance to vote against Sumner. If so, the device failed of its intention, for upon the very next ballot he received 193 votes, the precise number necessary to elect.

At the time the vote was declared, Sumner was dining at the house of Charles Francis Adams, and the news was brought to him while at table. Charles Francis Adams, Jr., then a lad in his teens, was the first to congratulate him. He recalled in later years that Sumner received the news "with perfect placidity" and "with an utter absence of any apparent elation or excessive interest. . . . He certainly was far less elated than was my father or any of my father's children." In a few minutes Mr. Adams's library was thronged with men who had come over from the State House to offer their congratulations. Sumner soon left this scene of excitement, and went to Cambridge, where he spent the next two or three nights at the home of Longfellow, who also noted his lack of elation: "The papers are all ringing with 'Sumner,' 'Sumner,' and the guns are thundering out their triumph; meanwhile the hero of the strife is sitting quietly here, more saddened than exalted." [1] This was no pose. To his brother George, with whom he corresponded with the utmost frankness, he wrote:

"Now that the victory is won, my former dislike and indifference to it [the Senate] have lost none of

[1] Longfellow's Diary, April 25th.

their strength. From the bottom of my heart I say that I do not wish to be senator. The honors of the post have no attraction for me; and I feel a pang at the thought that I now bid farewell to that life of quiet study, with the employment of my pen, which I had hoped to pursue. At this moment, could another person, faithful to our cause, be chosen in my place, I would resign. I am humbled by the importance attached to the election. Throughout Massachusetts, and even in other states, there have been bonfires, firings of cannon, ringing of bells, public meetings, and all forms of joy, to celebrate the event. As I read of these, I felt my inability to meet the expectations aroused. Again, I wish I was not in the place. I am met constantly by joyful faces, but I have no joy; my heart is heavy. Never did I need sympathy and friendly succor more than now, when most of the world regards me as a most fortunate man, with a prospect of peculiar brilliancy."[1]

To many conservative Whigs, followers of Webster, Sumner's election was as the gall of bitterness. By them his views were held to be little less dangerous than those of anarchists to-day, and his political associates were thought "plebeian" and "revolutionary."[2] But to Free Soilers throughout the state

[1] April 29, 1851. Pierce, Vol. III, p. 247.

[2] Editorial comment in Boston papers on Sumner's election ran as follows: "It is the greatest outrage upon the feelings of the majority of the people of the state, by a combination between two minorities, which we have ever known to be perpetrated in any states of the Union. We regard the event as a most unfortunate one for the reputation of the state."—*Daily Advertiser.* "We need hardly say that the election of Mr. Sumner will be regretted by all who wish the state of Massachusetts to stand where she has stood, nobly and firmly fixed in her loyalty to the

and nation Sumner's election was a cause of heartfelt rejoicings. Not a few men present when the decisive vote was announced recalled that as the happiest moment of their lives. It was accepted not merely as a victory won, but as an earnest of greater triumphs to follow. Of the many who had helped to bring this about, none had been so tireless or so effective in his activity as Henry Wilson, who was destined to be Sumner's colleague in the Senate before the end of his first term. This service Sumner clearly and gratefully recognized: "To your ability, energy, determination, and fidelity our cause owes its present success. For weal or woe, you must take the responsibility of having placed me in the Senate of the United States." [1] Earnest and cordial letters came to Sumner from friends both at home and abroad.[2] Theodore Parker's greeting was also a

American Union."—*Courier*. "The mountain that has been laboring for three months has brought forth; and Charles Sumner, Esq., has been elected for six years to succeed Mr. Webster in the Senate of the United States. This will be a sore disappointment to the Whig party."—*Transcript*. For further examples of newspaper comment, see *Charles Sumner: Memoir and Eulogies*, by W. M. Cornell, p. 30. But the Boston *Commonwealth* of May 16, 1851, contained a long and very favorable comment.

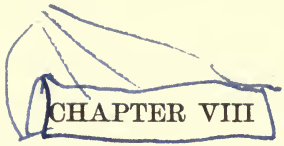
[1] April 25, 1851. Pierce, Vol. III, p. 249.

[2] From Salmon P. Chase came a warm letter of congratulation, beginning, "Laus Deo! From the bottom of my heart I congratulate you—no, not you but all friends of freedom everywhere upon your election to the Senate. Now, I feel as if I had a brother—colleague—one with whom I shall sympathize and be able fully to act." He speaks of Hale as "too much an offhand man himself to be patient of consultation"; of Seward as "meaning to maintain his own position as an anti-slavery man in the Whig party and only in the Whig party"; and thus of Wade: "He will generally go with Seward." "None of these

prophecy: "You told me once that you were in morals, not in politics. Now I hope you will show that you are still in morals, although in politics. I hope you will be the senator with a conscience."

are to me as you are. I feel that you have larger, broader views, and that you are willing to labor more systematically for the accomplishment of greater purposes." In this and in later letters he urges that he and Sumner take lodgings in the same house at Washington.—Letter of April 28, 1851. Diary and Correspondence of S. P. Chase, Report of American Historical Association, 1902, Vol. II, p. 235. Among the papers here reprinted are thirty-six letters from Chase to Sumner, covering the period from 1847 to 1860. In some of the later ones there is frank discussion of the programme of the Republican party and of Chase's possible candidacy for the presidency.

Seward's greeting was hardly less cordial. He wrote: "I take new courage in the cause of truth and justice when I see a senator coming from Massachusetts imbued with the uncompromising devotion to freedom and humanity of John Quincy Adams."



CHAPTER VIII

SENATE BEGINNINGS: "FREEDOM NATIONAL, SLAVERY SECTIONAL"

THE approach of the time for the opening of Congress found Sumner deeply saddened. On the day of his departure for Washington, he wept like a child at taking leave of his mother and his dearest friends, Howe and Longfellow. To Howe he wrote, a few hours later, "I stand now on the edge of a great change. . . . I cannot see the future; but I know that I now move away from those who have been more than brothers to me. My soul is wrung, and my eyes are bleared with tears. God bless you ever and ever, my noble, well-tried and truly dear friend." Throughout his life Sumner was a man of deep sentiment, much given to analyzing and appraising his own emotions and to giving them elaborate expression both in letters and in conversation.

On the first day of the session Sumner's credentials were presented by General Lewis Cass, at Sumner's request, as "his oldest personal friend in the body." [1]

[1] "It must have been ludicrous to see the old time-server, Cass, act as the senatorial godfather of the handsome young philanthropist, Charles Sumner. January and May are more alike." . . . "The Whig who, when asked, in 1848, whether he would choose Cass or Taylor, replied in a public speech, 'If two evils are presented to me, I will take neither,' was not likely to show much respect for the card-houses of the politicians." —Frederic Bancroft, *Life of William H. Seward*, Vol. I, p. 298.

His own colleague, John Davis, upon whom this service would naturally have devolved, although in Washington, was absent from the Senate at this time, whether from unwillingness to stand sponsor for Sumner is not known. In later years it was recalled as a matter of dramatic significance that Henry Clay, "compromise incarnate" tottered from the Senate chamber for the last time the very day that Charles Sumner, "conscience incarnate," entered its doors.

The Senate was undergoing a great transformation. Calhoun had died during the previous session. Webster had become Secretary of State, and was never again to be heard in that body. Benton, who had himself just been defeated for reëlection because of his opposition to the Compromise, greeted Sumner warmly, but "assured him that he had come to the Senate too late. All the great issues and all the great men were gone. There was nothing left but snarling over slavery, and no chance whatever for a career."[1] A few months later, Sumner's colleague, "Honest" John Davis, declared as his final verdict upon public life: "At Washington slavery rules everything." By the great majority of senators the Compromise was accepted as a finality, but there were a few heralds of a new day: John P. Hale had been sent to the Senate by a combination of New Hampshire anti-slavery Whigs and Democrats, and Salmon P. Chase, who became Sumner's closest political associate, had been elected by a coalition

[1] J. M. Rogers, *Life of Benton*, p. 279.

of Free Soilers and Democrats in Ohio. Aside from these two, he was to find most sympathy in Seward and Wade, though neither was as yet convinced that the anti-slavery cause was to be best furthered by cutting loose from the party in which he had attained leadership.

Sumner selected a seat next to Chase on the Democratic side,—the seat which had recently been vacated by Jefferson Davis. Contrary to the predictions of the Boston press, he was cordially received by his colleagues, not only of the North but of the South as well. The seats of Butler of South Carolina and Mason of Virginia were close to Sumner's and they were soon on friendly terms. In Soulé, whom Sumner described as "the most polished gentleman of the Senate," he found a valued friend. But as a new member, without party backing, he was "shelved" in the committee assignments, being placed at the foot of two of the least important,—on roads and canals, and on revolutionary claims.

In personnel the Senate was then far from its highest plane. Most of its members had had but scanty training for statesmanship, and years spent in Congress had not broadened them. There was little of elevation in congressional manners or conversation. Liquors were always at hand, and their effects were too frequently apparent in the course of the debates. Tobacco chewing was prevalent. It is not strange that Sumner, of Puritan stock, reared in the best education and culture which Har-

vard and Boston could impart, and broadened by years of travel and intimate association with the foremost scholars, judges and statesmen of Europe, should have confided to Longfellow, in these first weeks of his life in Washington: "I feel heart-sick here. The Senate is a lone place, with few who are capable of yielding any true sympathy to me. . . . Would that I were with you, and could share your calm thoughts! As for me, farewell content; farewell the tranquil mind!" He saw everywhere the trail of the serpent: "In truth, slavery is the source of all our baseness, from gigantic national issues down to the vile manners and profuse expectorations of this place." [1] His depression may well have been due to the crush of unfamiliar duties, all of which he took most seriously, and in part to his lonely life. On coming to Washington, he secured lodgings on the ground floor of a house on New York Avenue, between Fifteenth and Sixteenth Streets. Here his breakfast was served; for dinner, his only other meal, he frequented a French restaurant, where two or three other men in official life became his regular table companions. This cheerless mode of life found some relief in the cordiality with which he was received by members of the diplomatic corps, to whom his facile use of French, a rare accomplishment among congressmen of that day, and his familiar knowledge of European society and politics, especially commended him. At the British embassy and at the home of the Spanish

[1] December 28, 1851.

minister he was warmly welcomed. The two senators from New York were especially cordial to him. The junior, Hamilton Fish, had taken the oath of office at the same time with Sumner, and their lives were destined to influence each other profoundly in later years. In both Mrs. Fish and Mrs. Seward Sumner found staunch friends, who watched his career with eager sympathy and heartened him for his great task.

Ten days after the opening of the session Sumner first addressed the Senate upon a resolution offered by Seward, which gave to Louis Kossuth, the Hungarian patriot, in behalf of the people of the United States, "a cordial welcome to the capital and to the country." Kossuth had come to America in response to an invitation from Congress, and upon a United States steam frigate. Sumner spoke but briefly.[1] He paid an appreciative tribute to Kossuth's efforts in behalf of his countrymen, and urged the propriety of his being formally received by Congress in view of the invitation which Congress had tendered him. But he took occasion to emphasize our traditional policy of non-intervention in the domestic affairs of other nations, and vigorously opposed any departure from this policy by steps which might lead to belligerent intervention in European affairs. The resolution was passed in the form Sumner advocated, and Kossuth found in Washington a cordial reception at the hands of Congress and great sympathy and personal kindness; but the tide of popular sentiment,

[1] December 10, 1851. *Works*, Vol. III, pp. 1–10.

which he had counted upon turning to the active service of the Hungarian revolution, had already waned, largely owing to this maiden speech of Sumner's.

This speech was declared the most successful first speech which had been made in the Senate for a long time, and a Boston Whig editor, who heard it, said that Sumner had "achieved a triumph." It was a surprise to his opponents and a reassurance to his doubtful supporters to find Sumner, who had been heralded as a radical of one idea, prepared to deal in statesmanlike fashion with a problem of foreign relations, and to stand forth as the most vigorous defender of the faith of the Fathers. Singularly, it was from party and personal friends that the severe criticisms came. The Free Soilers, eager to fill their depleted ranks before the beginning of the next campaign, had hoped that the sentiments aroused in behalf of the struggling Hungarians would react to the advantage of the champions of freedom in this country. Wilson deplored the conservatism which would hold Congress back from active and armed intervention. From Howe, a lifelong revolutionist, came a reproachful letter deprecating "this speech of Lawyer Sumner, Senator Sumner,—not of generous, chivalrous, high-souled Charles Sumner."

The next cause to which he turned his attention was one in which Massachusetts felt little interest. He advocated a grant of lands to the state of Iowa to promote the construction of railroads within that state. Friendly recognition from the West rewarded

this evidence of his ability and disposition to handle the general problems which confront the legislator. He concerned himself conscientiously with many such during this first session, advocating, in particular, an increase in the pay of enlisted men in the navy, cheaper ocean postage, and the revision and codification of the public statutes.

Not a little of Sumner's time, during his first months in Washington, was devoted to an attempt to procure the release of Drayton and Sayres, of the schooner *Pearl*, who for four years had been in prison under sentence of fines which they could not pay. A petition, largely signed by Free Soilers, was forwarded to Sumner for presentation in the Senate. But in his opinion the chief thing was to secure the prisoners' release, and, believing that agitation in the Senate would be likely to defeat that object, instead of presenting the petition he appealed directly to the President for the prisoners' pardon, with such effective importunity that the order was given for their release. His success in this matter is the more surprising in view of the fierce attack made, in his Faneuil Hall speech, upon Fillmore as the President who had signed the Fugitive Slave Law.

Sumner had owed his election to the Senate simply and solely to the belief that he was the most forceful and fearless champion whom the Free Soilers could put forward. Moreover, his one weapon, it had been supposed, was ready and effective speech. Yet days, weeks, months of this critical session passed, and no word came from

Sumner's lips on the one absorbing topic of interest. Not only did he seem to seek no opportunity to speak upon it, but he was silent when the opportunity was thrust upon him, as in the petition for the release of Drayton and Sayres,—sent to the Senate as a peg on which to hang a speech,—and as in the angry discussion of Foote's resolution declaring the Compromise a final settlement of questions relating to slavery. The Whig press teemed with taunts, and this long-continued silence came to disquiet greatly the members of his own party. The letter which communicated to him the fact that the Free Soilers in the Massachusetts legislature had practically unanimously placed Sumner in nomination for the Senate, had ended with the words: "We have sworn to stand by you; to sink or swim with you, at all hazards. If you shall fail us in any respect, may God forgive you! we never shall!" The memory of Webster's defection was still so fresh in men's minds, that suspicion found congenial soil. Sumner's intimates never doubted his steadfastness of purpose, and were disposed to rely upon his judgment as to the time when he should speak. But Garrison repeatedly attacked Sumner in the *Liberator*, and popular impatience among anti-slavery men who did not know him personally was growing rapidly, so that Wilson, Sumner's political mentor, felt obliged to warn him: "You must not let the session close without speaking. Should you do so, you would be openly denounced by nine-tenths of our people. They say

they are daily tormented about your silence by the Whigs all over the state, and many of them think you will not speak at all."[1]

In these seven months of delay, however, Sumner had not wavered from his fixed purpose. His determination to make haste slowly had been deliberately taken. Six months before he took his seat, he had written to a friend: "As a stranger to the Senate and to all legislative bodies, I regard it to be my first duty to understand the body in which I have a seat before rushing into its contests." Early in the session he had resolved that, unless forced to do so by the course of the debates, he would not speak at length upon the slavery question until about the first of July. Meanwhile he was gathering material and deciding upon his lines of attack. But as the time he had chosen approached, he met unexpected obstacles. Overwork and the heat told upon his strength, so that for weeks he was far from equal to his task. At last, July 27th, he sought to make an opening for his speech, by presenting a resolution, "instructing the Committee on the Judiciary to report a bill repealing the Fugitive Slave Act." The next day—stating that his inexperience and his ill health had prevented his seeking this opportunity earlier—he moved to take up this resolution. It was the uniform custom of the Senate to grant such a privilege, yet so eager were the members of both the great parties to keep all discussion of slavery questions in abeyance during

[1] June 29, 1852.

the impending presidential campaign, that his motion was rejected by a vote of three to one. Sumner was sorely disappointed, for he had relied with confidence upon senatorial courtesy to secure him a hearing. But now the disillusionment was complete: "You may speak next term," said Mason to him. "I must speak this term," was his reply. "By ———, you shan't!" retorted Mason. "I will, and you can't prevent me!" was Sumner's rejoinder. But he now saw that he could secure a hearing only in case he could claim it as a right, not as a privilege. This first failure called forth fresh taunts from the Whig press, while the Free Soilers began to abandon hope that Sumner would get the floor before the end of the session, and Wilson and Parker wrote most urgent letters, emphasizing how serious the consequences of such failure must be, both for him and for the cause they all had at heart. But Sumner was convinced that his course was the wise one: had he introduced a bill, he could have spoken only by unanimous consent; he therefore proposed "to throw himself upon the majority and to compel them to the ignoble position before the country of suppressing debate."[1]

When these friendly but urgent promptings reached him, only three weeks of the session yet remained. Sumner was on the alert and his plan well formed. Finally, only five days before the end of the nine-months session, his opportunity

[1] Letter to E. L. Pierce, Vol. III, p. 292.

came. On the 26th of August, Hunter of Virginia, for the committee having charge of the civil and diplomatic appropriation bill, "moved an amendment for paying the 'extraordinary expenses' incurred by ministerial officers in executing the laws." Sumner, by consultation with the auditor, had definitely informed himself in advance that among the charges intended to be covered were some due to the enforcing of the Fugitive Slave Law. He therefore moved the amendment: "*provided*, that no such allowance shall be authorized for any expenses incurred in executing the Act of September 18, 1850, for the surrender of fugitives from service or labor, which Act is hereby repealed," and instantly took the floor to speak to his motion. He reminded his colleagues that he had sought an earlier opportunity, which had been denied him, but that at last he was to be heard, not as a favor, but as a right.[1]

From the outset, Sumner made it evident that the restraints of personal ambition or of party expediency, which had silenced or diverted so many others, would not constrain him.

"Sir, I have never been a politician. *The slave of principles, I call no party master.* . . . By no effort, by no desire of my own, I find myself a senator of the United States. Never before have I held public office of any kind."

[1] "Freedom National, Slavery Sectional," *Works*. Vol III, pp. 87–197.

Boldly assailing the dictum of finality of the Compromise measures, which the conventions of both the great parties had recently affirmed, he pointed out that the Fathers expressly provided that the Constitution, the supreme law of the land, should have its prescribed process of amendment. "Nothing from man's hand is final. Truth alone is final." He denounced this doctrine of finality as not only inconsistent and absurd, but as tyrannical in its attempted suppression of free speech; yet, he declared, it was as impotent as it was tyrannical.

"Convictions of the heart cannot be repressed. Utterances of conscience must be heard. They break forth with irrepressible might. As well attempt to check the tides of ocean, the currents of the Mississippi, or the rushing waters of Niagara. The discussion of slavery will proceed, wherever two or three are gathered together,—by the fireside, on the highway, at the public meeting, in the church. The movement against slavery is from the Everlasting Arm. Even now it is gathering its forces, soon to be confessed everywhere. It may not be felt yet in the high places of office and power, but all who can put their ears humbly to the ground, will hear and comprehend its incessant and advancing tread."

For years the apologists for slavery had been decrying any attempt to curb its advance as an aggression on the part of the North. In bold challenge of this assumption, Sumner declared: "According to the true spirit of the Constitution and the sentiments of the Fathers, slavery and not freedom, is sectional, while freedom, and not slavery, is na-

tional." In upholding this thesis, he first contended that slavery was of such offensive character—"so eminent, so transcendent, so tyrannical, so unjust" —that it could find sanction only in *positive* law; that it found no such positive sanction in the Constitution, which (in the light of the Convention's Debates, the Declaration of Independence, and the Address of the Continental Congress) must be interpreted openly, actively and perpetually for freedom; that at the time when Washington first became President, "slavery had no national power, existed nowhere on the national territory, beneath the national flag, but was openly condemned by the nation, church, colleges and literature of the time." In support of these assertions, he brought forward a great mass of evidence,—none of it more telling than the words in condemnation of slavery and in favor of "the sacred cause" of emancipation from the lips of the three great Virginians, the Father of his Country, the Author of the Declaration of Independence, and the Orator of Liberty. He laid especial emphasis upon the words of the Amendment: "No *person* shall be deprived of life, *liberty*, or property, *without due process of law*," insisting that the convention's rejection of a restriction of this guaranty to *freemen* instead of "persons" (which he proved was explicit and deliberate) carried with it "an express guaranty of personal liberty, and an express prohibition of its invasion anywhere, at least within the national jurisdiction."

But Sumner reserved most of his strength for an

arraignment of the "Fugitive Slave *Bill*,"—for so he always meant to term it, never conceding that it had the force of valid *law*. Sumner first exposed the falsity of the assertion that the provision of the Constitution, which was claimed as its basis, was one to which any especial importance had been attached, still less that it had been one of the great compromises on which had hinged the fate of the Constitution. He showed that it appeared in none of the seven plans or drafts; that there was no suggestion of such a provision till almost the very end of the sessions when, with little preliminary consideration, a clause for the surrender of "persons bound to service or labor" was moved, and adopted without debate or opposition of any kind. He pointed out that in the debates over the ratification of the Constitution, this vague provision aroused little comment, and was variously interpreted, a Virginian declaring that it contained "no security of property." The fugitive slave law of 1793 had attracted little attention; although it had been rarely enforced, and sometimes "gloriously refused compliance" in Northern states, nevertheless the one attempt (1817–18) to amend it so as to provide more effectively by law for the reclaiming of slaves, had been dropped, so that the Act of 1793 had stood unchanged till 1850.

Approaching this notorious measure, Sumner said:

"As I read this statute, I am filled with painful emotions. The masterly subtlety with which it is drawn might challenge admiration, if exerted for a

benevolent purpose; but in an age of sensibility and refinement, a machine of torture, however skilful and apt, cannot be regarded without horror. Sir, in the name of the Constitution, which it violates, of my Country, which it dishonors, of Humanity, which it degrades, of Christianity, which it offends, I arraign this enactment, and now hold it up to the judgment of the Senate and the world. Again, I shrink from no responsibility. I may seem to stand alone; but all the patriots and martyrs of history, all the Fathers of the Republic, are with me. Sir, there is no attribute of God which does not take part against this Act."

Meeting the objection that the fugitive slave law of 1793 had been sustained by the Supreme Court, Sumner cited instances where that Court had reversed its own precedents. While he declared its decisions entitled to great consideration, he nevertheless gave his approval to Jackson's dictum that "each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others." He maintained that the fugitive slave clause, as some called it, was merely an article of compact between the states, and that since the Constitution did not accompany this by any grant of power (as it did in the clause, similar in form, relating to the proving of state acts and records) this silence should be interpreted as indicating the convention's intent that no such power should be granted. He therefore denounced the Act not only as an unwarrantable assumption of power by the

nation, but as an infraction of the rights reserved to the states.[1]

He next attacked the law as radically unconstitutional because of its denial of trial by jury.

"If the language of the Constitution were open to doubt, which it is not, still all the presumptions of law, all the leanings of Freedom, all the suggestions of justice, plead angel-tongued for this right. Nobody doubts that Congress, if it legislates on this matter, *may* allow a trial by jury. But if it may, so overwhelming is the claim of justice, it MUST."

He pointed out that the Stamp Act had been opposed by the Fathers for precisely the reasons now urged against this: that it was a usurpation by Parliament of powers which did not belong to it, and an infraction of rights reserved to the Colonies, and that it was a denial of trial by jury in certain cases of property.

"Sir, in placing the Stamp Act by the side of the Slave Act, I do injustice to that emanation of British tyranny. Both infringe important rights: one, of property; the other, the vital right of all, which

[1] It has been well noted that Sumner and other Free Soilers, in their eagerness to find constitutional justification for the defense of national legislation against slavery, took almost the same ground as did secessionist pro-slavery men in asserting the compact theory of the Constitution, and the reserved rights of the states. In comment on Sumner's argument that "the fugitive servant clause of the Constitution was a clause of compact between the states, and conferred no legislative power upon Congress," Salmon P. Chase said: "I avow my conviction, now and here, that logically and historically his argument is impregnable, entirely impregnable."

is to other rights as soul to body—*the right of a man to himself*. . . . As Freedom is more than property, as man is above the dollar that he owns, as heaven, to which we all aspire, is higher than earth, where every accumulation of wealth must ever remain, so are the rights assailed by the American Congress higher than those once assailed by the British Parliament. And just in this degree must history condemn the Slave Act more than the Stamp Act."

Sumner next laid stress upon the contention that, even if the Act were constitutional, it lacked "that essential support in the Public Conscience of States, where it is to be enforced, which is the life of all laws, and without which any law must be a dead letter." And he quoted with great effect a theretofore unpublished letter from Washington to the collector at Portsmouth, whither one of his slaves had escaped. Although expressing his own wish and that of Mrs. Washington that the slave be returned, he added that he did not mean that "violent measures should be used, as would excite a mob or riot—which might be the case if she has adherents—or even uneasy sensations in the minds of well-disposed citizens. Rather than either of these should happen, I would forego her services altogether ; and the example, also, which is of infinite more importance."[1]

"But [Sumner pointed out] with every attempt to administer the Slave Act, it constantly becomes more revolting, particularly in its influence on the agents it enlists. Pitch cannot be touched without

[1] *Works*, Vol. III, p. 178.

defilement, and all who lend themselves to this work seem at once to lose the better part of man. The spirit of the law passes into them, as the devils entered the swine. . . . Not a case occurs which does not harrow the souls of good men, and bring tears of sympathy to the eyes, and those nobler tears which 'patriots shed o'er dying laws.'" "Even in the lands of Slavery, the slave-trader is loathed as an ignoble character, from whom the countenance is turned away; and can the slave-hunter be more regarded, while pursuing his prey in a land of freedom?"

The conclusion of his speech was devoted to a solemn appeal:

"The Slave Act violates the Constitution, and shocks the Public Conscience. With modesty, and yet with firmness, let me add, sir, it offends against the Divine Law. No such enactment is entitled to support. The conscience of each person is the final arbiter. Not rashly would I set myself against any argument of law. This grave responsibility I would not lightly assume. But here the path of duty is clear. By the Supreme Law, which commands me to do no injustice, by the comprehensive Christian Law of Brotherhood, *by the Constitution which I have sworn to support*, I AM BOUND TO DISOBEY THIS ACT. Never in any capacity, can I render voluntary aid in its execution. Pains and penalties I will endure, but this great wrong I will not do. . . . Finally, sir, for the sake of peace and tranquillity, cease to shock the Public Conscience; for the sake of the Constitution, cease to exercise a power nowhere granted, and which violates inviolable rights expressly secured. . . . Repeal this enactment. Let its terrors no longer rage through the land. Mindful of the lowly whom it pursues, mindful of the good

men perplexed by its requirements, in the name of charity, in the name of the Constitution, repeal this enactment, totally and without delay."

Sumner had been speaking for three and three-quarter hours. Meantime the galleries had filled. Webster, himself, was an attentive listener for an hour or more, this being, it is said, his last visit to the Senate chamber. Sumner was not interrupted, but no sooner had he ceased speaking than the abuse began. Clemens of Alabama expressed the hope that none of his friends would make any reply to the speech, "which the senator from Massachusetts has seen fit to inflict upon the Senate," adding: "I shall only say, sir, that the ravings of a maniac may sometimes be dangerous, but the barking of a puppy never did any harm." Not till, later in the debate, he referred to the other senator from Massachusetts as "one who has the fortune to be a gentleman, which his colleague has not," was he called to order. Badger of North Carolina took upon himself the burden of replying in behalf of the Southern senators. He quoted at length from Sumner's Faneuil Hall speech, and sought to make Sumner responsible for sedition. He did not hesitate to suggest with a sneer that to Southern senators further association with the author of such a speech might not be agreeable.[1] Weller of California characterized

[1] It is creditable to both of these men that in later years they came to regret profoundly their gross abuse on this occasion. Badger was quite melted by Sumner's characteristic magnanimity, the following year, in supporting both by speech and by vote his nomination for the Supreme Court.

Sumner's speech as inflammatory, and indirectly, at least, counseling forcible resistance. This Sumner earnestly denied. Quite a number of senators, including three from New England, spoke in opposition to Sumner's amendment, while Douglas and Dodge took a positive stand in defense of the constitutionality of the Fugitive Slave Act.

The only men who came to Sumner's support were his two Free Soil colleagues. Hale declared that Sumner had that day placed himself side by side with the first orators of antiquity, and as far ahead of any living American orator as freedom is ahead of slavery. Chase affirmed his entire agreement with Sumner's interpretations of the Constitution, and declared that this speech would "mark a new era in American history."

Sumner's amendment secured but three votes besides his own,—those of Chase, Hale and Wade. His own colleague was among those who dodged the vote, as did also Seward, while Fish and four New England senators were among the forty-seven who openly voted against the repeal of the Fugitive Slave Law. It is interesting that the first note of congratulation to reach Sumner should have been a most cordial one from Mrs. Fish, soon followed by a sympathetic and encouraging letter from Mrs. Seward. Seward, himself, wrote to Sumner that his speech was "an admirable, a great, a very great one."

The meaning and effect of Sumner's speech are not to be gauged by its failure to convert a single

politician or compromiser to vote for the repeal of the law. Chase caught its immense significance when he said that it marked the day when the advocates of the restriction of slavery, "no longer content to stand on the defensive in the contest with slavery, boldly attacked the very citadel of its power in that doctrine of finality, which two of the political parties of the country, through their national organizations, are endeavoring to establish as the impregnable defense of its usurpations." Theodore Parker's hope had been realized: here was "the senator with a conscience,"—a man whom no sneers or threats could silence, who owned no allegiance to party or to boss, who held office-seeking expediency in contempt, and who would speak what he believed to be the truth not in mincing phrases but with all his titantic power of denunciation. Well might Horace Mann write home to Massachusetts: "The 26th of August, 1852, redeemed the 7th of March, 1850."

CHAPTER IX

POLITICAL REVOLUTION IN MASSACHUSETTS

For the eighteen months following this speech of Sumner's, the chief interest passes from Congress to the struggles connected with the national election of 1852 and with the seething political elements in Massachusetts.

In the months preceding the national conventions, there had been much anxious discussion among Free Soilers as to the course which they should pursue. Sumner's counsel had been for absolute independence, without the least commitment, until they could act with knowledge. But when both parties had pledged themselves to acceptance of the finality of the Compromise, his message to Massachusetts friends of Freedom was to uphold her supporters, and leave the result to Providence. The Free Soilers nominated John P. Hale, but throughout the country the campaign lacked spirit, and in Massachusetts the Free Soil vote fell off more than twenty-five per cent. The state election followed the national almost immediately. For two years the Bay State Free Soilers had coöperated with the Democrats, with tangible results in state and national elections. But in the midst of a presidential campaign, where the platforms and presidential candidates were pledged to "finality," it was not likely

that local coalition would prove so feasible as in former years. At the Free Soil convention, hardly a fortnight after Sumner's epoch-making speech, he was greeted with great enthusiasm. In his address he emphasized strongly the frequent necessity of third parties and the high service which they may render.

The Free Soilers entered upon the campaign with hopes of securing further gains both at home and in Congress, but they found the Democrats little disposed to coalition, and the unpopularity of the "Maine law" which had been enacted with strong support from the Free Soilers, now reacted against them. The outcome was the loss of the legislature by about ten members, and this involved also the loss of United States senator and of the state offices which were to be filled by the legislature. For this disaster not a little of the blame was with considerable justice visited upon Sumner, who, after his speech at the convention, had gone upon visits out of the state, entirely absenting himself from the campaign. Sumner had little facility in extemporaneous speech or in recasting his thought, which he had once elaborated, and it is believed that he was reluctant to take the stump, when he had so recently fully delivered his views. Nevertheless, his official position and his unrivaled eloquence would have counted for much; as he grew more experienced in politics, he came to regard himself as subject to draft, whenever his service was needed to promote the cause he had at heart.

The Whigs, in whose hands the election had placed the naming of Sumner's future colleague in the Senate, promptly chose Edward Everett, a selection as acceptable to Sumner and the Free Soilers as that of any compromise Whig could be. Although Democrats and Free Soilers failed in their attempt at coöperation for the election of officers in 1852, they nevertheless carried to success a cause in which their interests were better united,— the call for a convention to revise the Constitution of the commonwealth. Upon this issue they were opposed by the solid Whig vote, for one of the chief objects for which revision was urged was to remedy the system of representation which worked to the unfair advantage of the Whigs.[1] An energetic campaign resulted in the election of a convention made up of delegates of unusual ability. The Free Soil representation was exceptionally strong : towns were allowed to elect non-residents, and Henry Wilson did expert work in suggesting men of force and prominence for towns where Whigs might possibly be defeated. It was in this way that, without having been consulted and somewhat to his annoyance, Sumner found himself the Free Soil candidate for Marshfield, pitted against Fletcher Webster, the son of the great statesman who had died but a few weeks before. His election by a vote of more than five to two was intended as an indication that the Compromise was repudiated in Webster's own town.

Sumner was chairman of an important committee

[1] *Supra*, p. 126.

of the convention, but did not take a very active part in its debates, except upon the fundamental question of the basis of representation. The coalition leaders advocated a compromise measure, which would make numerical inequality favor small towns, instead of overweighting the large cities, as the old system had done. Such twistings of institutions to suit temporary partisan advantage did not appeal to Sumner, and he made a vigorous argument in favor of a simple district system, which would ensure equality of representation to the voters of the commonwealth. His plan met with little favor, and he finally supported the one already proposed, since it was a long step toward fairness in the districting of cities. Consistent with his recent argument in the Senate against the finality of any human law, Sumner secured the inclusion, among the propositions to be voted upon by the people, of a provision requiring the legislature, upon the request of the towns or cities containing not less than one-third of the legal voters of the commonwealth, to submit to popular vote the question whether a convention should be called for the purpose of revising the Constitution.

The advocates of the new Constitution entered upon the fall campaign with high hopes, for they had had a majority of 10,000 in calling the convention and its work had been of great merit. The Free Soilers put Wilson in nomination for governor and began a well-planned and sharply contested campaign. Profiting by the criticism of the previous year, Sumner took upon himself his full share of the

work. He went to seventeen of the largest cities and towns of the state, and his arguments were considered the most effective of the whole contest. He usually spoke for nearly three hours, discussing and explaining the proposed changes in the Constitution and especially emphasizing the needed improvement in the basis of representation. Nor did he hesitate to inject into this speech his favorite anti-slavery doctrines.

But the new Constitution and the coalition were foredoomed to failure. Unexpected obstacles and foes appeared. Not only did the Whigs as a body oppose the new Constitution but their zeal was quickened by the unlooked-for support of Adams and Palfrey who now came out against the work of the convention. From Washington came what was known as "Cushing's *ukase*,"—a letter from the Attorney-General virtually forbidding, under pain of the administration's disfavor, any coöperation of Democrats with Free Soilers. For the first time, too, the Irish vote was made a prominent factor in a Massachusetts campaign. The strength of that nationality was largely centred in Boston, and hence was enlisted (under the positive intervention of the Catholic Church, as Sumner charged) against a measure which would have cut down the relative political influence of that city. The unpopular liquor law again proved a divisive factor. The result was that the new Constitution was defeated by nearly 5,000 votes, and the Whigs carried the election of the legislature, thus ensuring also the defeat of Wilson.

For Sumner, himself, the year had not been without its gains. In the constitutional convention he had made the acquaintance of leading men from all over the state, and they had found him not a mere anti-slavery fanatic, as he had been pictured, but an affable, well-informed man and a tireless worker. In the ensuing campaign he had commended himself to the people in all parts of the state, not more by his eloquence than by his sagacious and persuasive discussion of matters of home politics. Nevertheless, the outlook was far from bright. Further coalition between Democrats and Free Soilers in Massachusetts was not to be looked for, after the disastrous failure of this campaign. The insolence of the Whigs over their unhoped-for victory knew no bounds. Though Sumner's term had yet four years to run, the Whig journals began to call upon him to resign, declaring that he no longer had any constituency back of him. They were merciless in their taunts. Said one prominent Free Soiler: "Whichever way we go, we are jeered, hissed, pointed at and spit upon by Whiggery." Upon Wilson in particular they poured out their gibes. His career was apparently at an end, and he was forced to resume his unsuccessful attempts at shoe-manufacturing, despondent of the future.

Among these exultant Whigs, who would have listened to a Cassandra prophecy that the national Whig party was doomed to speedy disruption, that only a twelvemonth later in Massachusetts the now triumphant Whig organization would suffer polit-

ical annihilation, and that this derided Henry Wilson would then be sent to the Senate as Sumner's loyal fellow-worker, and put in line for the Vice-Presidency of the United States!

Sumner's second session in the Senate (December, 1852, to March, 1853), had been of little interest. At its beginning, the names of Hale, Chase and Sumner were omitted from the committee-list upon the express ground that they were "outside of any healthy political organization." As questions relating to slavery were held in abeyance in these closing months of a defeated administration, Sumner took no very active part in the routine work of the Senate, not yet being ready to adopt the repeated advice which Chase gave him, to "take off his coat and go into the every-day fight."

At the beginning of the next Congress, 1853—the first of Pierce's administration,—Chase and Sumner were the only Free Soilers in the Senate. The Democrats, in arranging the majority representation upon committees, recognized Chase, but in the Whig caucus Seward's motion to assign Sumner to certain committees was blocked by the opposition of his new colleague, Everett, who deprecated any action which would "recognize him as a Whig." The result was that the Democrats placed Sumner in vacancies left by the Whigs in the Committees on Pensions and Enrolled Bills.

There was every prospect that the session would be marked by little of interest. Acquiescence in the finality of the Compromise, pledged by both

great parties, was undoubtedly expected and desired by a large majority of the members of Congress. Yet hardly were the holidays past when the whole slavery issue was opened up, never again to be closed till wreck of parties and civil war had wrought out a solution far different from that sought by the anxious compromisers of 1850. The responsibility for this step, so big with consequences, rests upon Stephen A. Douglas, who as chairman of the Committee on Territories, on January 4, 1854, presented a report upon the bill for the establishment of the territory of Nebraska, which included the provision that the status of slavery in this region,—dedicated to Freedom in accordance with the Missouri Compromise,—should be determined by the people of the territory, its admission to statehood being pledged "with or without slavery," as they might decide. The motive for this gratuitous opening of the slavery question can hardly be found elsewhere than in Douglas's desire to commend himself strongly to the South, in anticipation of the election of 1856. The hint was eagerly taken up by the Southern leaders who saw a chance of securing what they had supposed far beyond their grasp. It is not necessary here to review the various modifications made in this measure by its friends, all in the direction of a more aggressive attack upon what for a generation had been regarded as a solemn compact. Early in February the proposition took the form of a new bill, providing for two territories, Kansas and Nebraska, and declaring the

prohibition of slavery north of 36° 30′ (1820) "inoperative and void" because inconsistent with the provisions of the legislation of 1850.

Sumner had promptly met the first amendment repudiating that prohibition by a counter amendment explicitly precluding any weakening of that barrier. The true nature and effect of the measure was not generally understood, and its sponsors were urging its speedy enactment. Sumner therefore joined with Chase and with four members of the House in issuing the "Appeal of the Independent Democrats in Congress to the people of the United States." It stated clearly the inevitable effects of the proposed Act, "to open all the unorganized territory of the Union to the ingress of slavery," and continued: "We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of sacred rights; as part and parcel of an atrocious plot to exclude from a vast and unoccupied region immigrants from the Old World and free laborers from our own states, and convert it into a dreary region of despotism, inhabited by masters and slaves." It sketched the history of the Missouri Compromise, and asserted that "not a man in Congress, or out of Congress, in 1850 pretended that the compromise measures would repeal the Missouri prohibition." It summoned the friends of Freedom at once to "protest against this enormous crime."[1]

Chase took the lead in putting forth this appeal,

[1] See Rhodes, *History of the United States from the Compromise of* 1850, Vol. I, pp. 441–444.

which had immense effect in arousing the North. It was Chase, also, who was the foremost champion of the North in the fierce debate which followed. But a heavy part of the work devolved upon the two senators from Massachusetts. It was a task which Edward Everett found far from congenial. He had entered the Senate, a few months before, full of enthusiasm for the new career, in the expectation that the slavery issue had been permanently removed from that forum. He was the intimate friend and successor of Webster, and the representative of Massachusetts Whig conservatism. He did not touch this unwelcome topic until he had assured himself that Massachusetts was thoroughly opposed to the new measure, and even then he spoke in an apologetic tone which was sorely disappointing to many of his constituents. Nevertheless, his words had much weight as standing for the great body of Whigs who had voted for the Compromise in 1850, but who had never considered that it annulled the prohibition of 1820, and who were now opposed to the Kansas-Nebraska Bill. This speech, representing the attitude of men who had reached the limit of compromise, influenced many minds which would have remained closed to the arguments of radical leaders in Congress. In a high-minded but an unaggressive address Seward took his stand with the opponents of the measure. Later in the month, Sumner got the floor. To a greater extent than the other speakers, he dwelt upon the evils of slavery, so that Douglas sneered at his speech as

"a mere essay on slavery"; but he made clear the absurdity of the claim that the Compromise of 1850 annulled the prohibition of 1820, and drove home the charge of bad faith, inasmuch as this prohibition had been the proposal of the South, which was now striving to repudiate it, while refusing to perform its part of the agreement. Sumner had a faculty for coining telling phrases. In this speech his reference to "a Northern man with Southern principles" was instantly caught up by the crowded galleries, and figured prominently in later campaigns. In his reply, Douglas showed that he considered himself hit by that phrase. In Massachusetts and throughout the North the speech met with great favor, even with conservatives. Prescott wrote: "I don't see but what all Boston has got round; in fact, we must call him [Sumner] *the* Massachusetts senator." Nevertheless, the Boston press still continued its boycott of Sumner by excluding from its pages this speech by which, as even Hillard declared, he had "gained credit everywhere throughout the North."

While the bill was pending in Congress, public opinion was being gradually aroused in regard to it. In Massachusetts the Free Soilers took the lead, and called a state convention, which heard earnest speeches and passed strong resolutions. The mention of Sumner's name was "greeted with deafening applause." The legislature also voiced the protest of the state against the proposed bill. So deep was the feeling throughout the state that at the spring

town-meetings in fully half the towns, after debate upon the question as duly presented by an article in the warrant, the townsmen by an almost unanimous vote declared the repeal of the prohibition in the Missouri Compromise "a perfidious and wicked act." Unsparing denunciation was hurled at the Kansas-Nebraska Bill from the pulpit. Even the "mercantile Whigs" of Boston were at last stirred. They assembled in Faneuil Hall, under the chairmanship of S. A. Eliot, and Hillard was one of the speakers. While their words lacked the fervor of the Abolitionists or Free Soilers, they were outspoken in the assertion that the Compromise of 1850, to which they had given their assent, had in no way annulled the prohibition of 1820. The very holding of this meeting and its able speeches signified that even these conservatives had reached the limit of compromise, and had begun to believe that in 1850 they had been swindled into paying too high a price for a truce with slavery.

The incident which aroused most attention was the presentation to Congress of a petition signed by 3,050 New England clergymen, representing all denominations, protesting "in the name of God and in His presence" against the passing of the proposed bill "as a great moral wrong, . . . a breach of faith eminently unjust to the moral principles of the community, . . . a measure full of danger to the Union, and exposing us to the righteous judgments of the Almighty." This monster petition, 200 feet long, was taken to Washington,

and, in order that it might not seem like a partisan protest, it was Everett who was asked to bring it before the Senate. The task was obviously an unwelcome one, but he presented the paper without delay, calling attention to the nature of the petition and its significance because of the character of its signers. Upon his motion, it was then laid upon the table, without having been read. Presently, however, Douglas called for a reading of the memorial, and at its conclusion he launched into a fierce attack upon the "political preachers" and the impropriety of their action, an arraignment in which Mason and Butler followed his lead. The tone of Everett's reply was almost abject, implying that he might not have presented the petition, had he had an opportunity to read it, and regretting that what he had done from a sense of duty should have caused hard feeling on the part of any of his colleagues. Although he spoke in terms of commendation of the petitioners, he gave the impression of wishing to shift all responsibility for having obtruded their unwelcome protest upon the Senate. There followed more coarse abuse from Butler and Pettit. Sumner longed to repel this attack, but abstained from speaking partly out of a feeling of delicacy toward Everett, and partly at the urging of General Houston, who insisted upon taking the defense upon himself in order that it might not seem to be identified with Free Soilers.

Two months later the Kansas-Nebraska Bill came back to the Senate for its concurrence with House

amendments. Here its consideration was delayed one day by an objection interposed by Sumner, who never hesitated to filibuster in a cause which he thought righteous. The bill was now opposed by the same four senators who had at first protested against it, with one exception : Everett, apparently out of distaste for prolonged controversy over slavery, had resigned the office which he had entered upon with enthusiasm but one year before. In his absence, Sumner took occasion, at the beginning of his speech, to present several belated petitions from New England clergymen, which had been intended for the earlier memorial. In contrast with Everett's apologetic presentation, Sumner announced that he did this service "with pleasure and pride," and he boldly vindicated the reverend petitioners' language and their action, declaring, "There are men in this Senate justly eminent for eloquence, learning, and ability ; but there is no man here competent, except in his own conceit, to sit in judgment on the clergy of New England." In eloquent and zealous words, he showed how throughout New England's history, the clergy had been associated not only with the piety and learning but with the liberties of the country.

Perhaps the most impressive part of the speech was the passage which forecast the effects of this legislation : "In passing such a bill as is now threatened, you scatter, from this dark midnight hour, no seeds of harmony and good-will, but broadcast through the land dragons' teeth, which haply may

not spring up in direful crops of armed men, yet I am assured, sir, will fructify in civil strife and feud." Yet "from the sting of this hour I find assurance of that triumph by which freedom will be restored to her immortal birthright in the republic. . . . Am I not right, then, in calling this bill the best on which Congress ever acted? Sorrowfully I bend before the wrong you commit,—joyfully I welcome the promise of the future."[1]

The very day when the Kansas-Nebraska Bill was passed in spite of Sumner's protest, was the day when the attempt was made by a crowd led by Thomas Wentworth Higginson to free the negro, Anthony Burns, from the Boston Court-House, where he was being held for a hearing before a United States commissioner,—an attempt which failed of its object, but resulted in the death of one of the guards from a pistol-shot. The excitement caused by the affair was prodigious, and some Southern leaders tried to hold Sumner's words about "scattering dragons' teeth" responsible for this mob violence, reckless alike of their context in Sumner's speech and of the fact that his utterances were not known in Boston until the day after the attempted rescue of Burns. The bitterness of feeling was seen in angry articles in Washington pro-slavery papers, which were obviously intended to incite mob violence against Sumner. His friends

[1] Mr. Rhodes, Vol. I. p. 490, says: "Judged by the succeeding events, the most remarkable expressions came from Sumner, for he had an insight into the future."

warned him that his life was in danger, but in the midst of threats he was ever a fatalist, and he continued to walk unarmed about the capital.

One of the most striking evidences of the change which public sentiment was undergoing under the combined influence of the Kansas-Nebraska debates and the Burns case was a petition for the repeal of the Fugitive Slave Act, which had been placed in the Boston Merchants' Exchange and had speedily been signed by nearly 3,000 men, mostly from the very class who had been zealous advocates of compromise. Among the signers was even the ship captain who on two previous occasions had gained notoriety by ready assistance in the capture and return of fugitive slaves. The presentation of this petition in the Senate gave rise to serious debate, in the course of which a senator from Tennessee denounced "such miserable miscreants as Parker, Phillips, and such kindred spirits," spoke of the pending petition as "teeming with treason and reeking with the blood of an innocent victim," and declared that the South would certainly dissolve the Union, if the Fugitive Slave Act were repealed. Sumner repelled this threat of disunion, and boldly defended Massachusetts against the charge of treason, instancing her opposition to the Stamp Act as a precedent for her present resistance in the cause of human rights.

Up to the time of the Kansas-Nebraska debates Sumner had had no serious breaks with any of his colleagues; their angry and disdainful epithets on

the occasion of his first anti-slavery speech he had passed over in silence. Even as late as January 14, 1853, he had declared: "On the floor of the Senate I sit between Mr. Butler of South Carolina, the early suggester of the Fugitive Slave Bill, and Mr. Mason of Virginia, its final author, with both of whom I have constant and cordial intercourse." But a change was now at hand. At the end of Sumner's speech upon this Boston petition, Butler poured contempt upon his "vapid rhetoric," and then faced him with the question, whether Massachusetts would execute the Constitution and send back fugitive slaves even after a jury trial. Sumner replied: "Does the honorable senator ask *me* if I would personally join in sending a fellow man into bondage? Is thy servant a dog that he should do this thing?" Butler, in great excitement, shouted: "Then you would not obey the Constitution. . . . You stand in my presence as a co-equal senator, and tell me that it is a dog's office to execute the Constitution of the United States!" "I recognize no such obligation," said Sumner, meaning, as Fessenden declared every one on the Whig side of the chamber understood, merely that he "did not consider that the Constitution imposed any such obligation upon him." But he was immediately set upon by Southern senators who charged him with repudiating his oath of office and with declaring his intention to disobey the Constitution. "In a moral point of view," said Pettit of Indiana, "the senator from Massachusetts could not, in view

of his declaration that day, find any one beneath himself," and he declared that such utterance justified expulsion. Others expressed the same opinion, and there is evidence that within a few days the Senate was canvassed, but that it was found that the requisite vote of two-thirds could not be secured.

When the debate was resumed a day or two later, the abuse of Sumner took an even more frenzied and vulgar tone. He was denounced as "a miscreant," "a sneaking, sinuous, snake-like poltroon," and a flood of less decent epithets was let loose upon him. At last he was stung to reply. Although at this stage of his career Sumner was slow to anger, few men ever succeeded in provoking him who did not find cause to regret it. He proudly refused to bandy epithets or to deign any reply to the more scurrilous of his assailants. To Butler's protest against his use of the term "slave-hunter," he rejoined: "Sir, I choose to call things by their right names. . . . And when a person degrades himself to the work of chasing a fellow man who under the inspiration of freedom and the guidance of the North Star has sought a freeman's home, far away from coffle or chain, that person, whosoever he may be, I call 'slave-hunter.'" Reproaches against Massachusetts and against himself as to constitutional obligations he resented from the lips of a senator who represented a state which had expelled from her borders the venerable Samuel Hoar, which had tampered with

the United States mails, which was "seamed all over with the scars of nullification," and "threatened nullification as often as babies cry." Butler had asserted that "the independence of America was won by the arms and treasure of slaveholding communities." Sumner now accepted the challenge, and proved by indisputable evidence how comparatively insignificant had been the coöperation of South Carolina and of her sister slaveholding colonies in that movement, and that the excuse which they themselves had given at the time was "their weakness and fears growing out of their slave population."[1] Turning to "the veteran senator from Virginia" (Mason), who, "with an imperious look, and in the style of Sir Forcible Feeble, undertakes to call in question my statement that the Fugitive Slave Act denies the writ of *habeas corpus*," Sumner continued: "Sitting near him, . . . I have come to know something of his conversation, something of his manners, something of his attainments, something of his abilities, something of his character,—ay, sir, and something of his associations. . . . As senator of Massachusetts and as man, I place myself at every point in unhesitating comparison with that honorable assailant. And to his peremptory assertion that the Fugitive Slave Act does not deny the writ of *habeas corpus* I oppose my assertion, peremptory as his own, that it does; and there I leave the issue." As to the charge that he had repudiated his oath,

[1] Pierce, Vol. III, p. 384.

Sumner declared that he had sworn to support the Constitution as he understood it, and appealed to well-known words of Jackson and of Buchanan asserting this interpretation of the oath of a Federal official. "Does he [Sumner] recognize the obligation to return a fugitive slave?" asked Toucey of Connecticut. "To that I answer distinctly, no!" was Sumner's reply, and with that the debate closed.

Chase did not overrate the significance of Sumner's part in this debate when he said: "You have struck slavery the strongest blow it ever received; you have made it reel to the centre." He had vindicated the right of free speech and freedom of petition in the Senate as John Quincy Adams had done in the House: hereafter anti-slavery petitions were duly presented and referred, instead of being suppressed. To the aggressive arrogance of the South he had shown an opposition as unyielding as adamant. At last there had appeared a champion for freedom, who knew no fear, whom angry looks or indecent epithets could not swerve a hair's breadth from the course he had laid down, and who was a master of debate, skilled in the use of weapons whose keenness and temper his angry assailants could not match. It is no wonder that they sought the expulsion of so formidable an antagonist, and that by common consent most of the Southern senators from this time honored him by avoiding all personal association with him as beneath the notice of gentlemen of their school.

But from all parts of the North came words of strongest commendation of Sumner's course in this debate. His promptness and resourcefulness, his vindication of Massachusetts against unjust attack, his dignity and courage, his manly self-respect in maintaining his own opinion in the face of Mason's arrogant dictum,—all these made friends and admirers in quarters where he had been held in slight regard. Even the time-serving press of Boston had to yield to the demand for the triumphant senator's speeches, which hitherto they had excluded or published only in garbled form.

The point dealt with least positively in these debates was the precise attitude of the North toward the enforcement of the Fugitive Slave Act. More than once Sumner himself evaded the question or declined to define that attitude in advance. For himself, he never would admit that the phrase "persons held to service" was intended by its authors to apply to fugitive slaves, and hence he denied outright the constitutionality of the Act. He opposed unsuccessfully a proposal for a pension for the widow of the victim in the Burns rescue, on the ground that the service rendered by the victim was not of the nature for which pensions were granted and further that the Act under which the service was rendered was unconstitutional, and its enforcement repugnant to the moral sense of the states in which it was attempted. Failing in this effort, he then sought to introduce a bill for the repeal of the Act, but this was defeated by a majority

of twenty-five. It was significant, however, that instead of four votes, as two years before, his motion now mustered ten in its favor, and that Seward, who before had politically refrained from voting, now came out in favor of repeal, while Fish, who had then supported the law, now advanced to the position of not voting upon the question.

Never had Sumner commanded so cordial a welcome and so sympathetic a hearing as when, a few weeks after the close of the session, he appeared before the state convention in Worcester. His speech kindled the most intense enthusiasm. He sought to vindicate the necessity of a third party in Massachusetts, and to destroy there the operation of the Fugitive Slave Act, arguing that citizens were not constrained to its support. He certainly was treading upon dangerous ground when although admitting that judgments were binding upon inferior tribunals and upon executive officers, he nevertheless denied to judicial tribunals the power to dictate to Congress an interpretation of the Constitution or to bind the individual conscience. But the Fugitive Slave Law as Quincy declared, had become "an insupportable burden."

Almost immediately after the passage of the Kansas-Nebraska Bill, the project was agitated in Massachusetts of forming a new party under the name "Republican," in which those opposed to the extension of slavery, whatever their previous party affiliations, might coöperate for the attainment of that one object. In the early summer a committee

of correspondence, of which Samuel Hoar and Ralph Waldo Emerson were members, was formed in Concord, and called a meeting of representative political leaders in Boston. Hardly any but Free Soilers responded to the summons, for the project had been antagonized by the Whig press, by prominent Whig leaders, as individuals, and by an address in which the Whig state committee declined to call a fusion convention, asserting that their party was still "the vanguard of the great army of constitutional liberty."

This resistance of the Whigs of influence to the formation of a new party based on the one vital issue had a curious result. In New York City there had recently sprung up a secret order which represented a recrudescence of nativism. Its authoritative name is said to have been "The Supreme Order of the Star-Spangled Banner." It gradually obtained a foothold in other states, and aspired to affect state and national politics. Conditions were ripe for its growth in Massachusetts. No other state with the exception of New York had as yet been so embarrassed and alarmed by the influx of needy immigrants, who were contributing far more than their quota to the asylums, jails and almshouses, and were causing an upheaval in industrial relations. The growth of the Roman Catholic Church, too, was viewed with unreasoning though not unnatural alarm. The result was that in the distracted political situation which the Whigs now forced upon the people of Massachusetts, when the

loyalty of tens of thousands of voters to the parties of their fathers was relaxed because those parties refused to face the dominant issue, this secret order made a strong appeal, particularly to young laboring men, throughout the commonwealth; and, as it was felt to be gaining strength, not a few office-holders and politicians sought entrance to its lodges. Adams, Sumner, Palfrey and Andrew, and most of the other strong Free Soil leaders resisted this temptation, but Wilson became a member of the order, although he had already accepted the nomination of the Republicans for governor. Never was a greater surprise in the history of politics than on the day when the results of the state election were declared: this secret order, the mushroom growth of a night, was found to have swept the state, electing all the state officers, the full delegation in Congress, and practically the entire membership of both houses of the state legislature. Wilson's election to the United States Senate, as the successor of Everett, was thus clearly presaged, and this was speedily carried into effect.

The methods and some of the objects of the Know-Nothings were deemed unworthy by most Massachusetts men of light and leading,—by none more than by Sumner; but their momentary success had the good effect of furnishing a new gathering-point in the chaos of Massachusetts politics. It showed how anæmic the Whig party had become, and the result was to give opportunity for the rapid and healthy growth of the Republican party, enlisting

in its ranks not only anti-slavery Whigs and independent Democrats, but also the speedily disintegrating troops of Know-Nothings.

The first session of the Thirty-third Congress had been so given over to the discussion of the Kansas-Nebraska Bill that in the short session there was a general disposition to let slavery topics alone. Toward its end, a wide-ranging debate was precipitated by a bill introduced by Toucey of Connecticut, providing for the transfer to federal courts of all suits "pending in state courts against federal officers and other persons for acts done under any law or color of any law of the United States." Its obvious though unacknowledged purpose was to bring before more friendly courts suits begun in state tribunals for damages against persons aiding in the execution of the Fugitive Slave Act. Chase forced into prominence this effect and probable object of the proposed bill, and the debate then called up the leaders on both sides of the slavery issue. Wilson, newly elected by Know-Nothing votes, on this occasion discussed slavery for the first time in the Senate. Butler again seized the opportunity to nag Sumner with questions as to his fidelity to his senator's oath, and, not succeeding in provoking a reply, declared that he would "not take advantage of the infirmity of a man who did not know half his time what he was about,"—a remark the humor of which appealed to every one but himself, for, while Sumner was proverbially temperate, Butler was often under the influence of liquor, and seemed to be un-

duly exhilarated at that very moment. Sumner did not get the floor till about midnight; he then attacked the bill as "an effort to bolster up the Fugitive Slave Act,"—a measure which was "conceived in defiance of the Constitution" and was "a barefaced subversion of every principle of humanity and justice." His motion for its repeal now secured nine votes.

During this session Sumner put himself to no little trouble, acting as the representative of John A. Andrew, to effect the purchase of the family of one of Andrew's colored friends. The children were nearly white, and their appearance and pictures made in the North a great impression of the enormities of the slave system.

Soon after his return to Boston at the close of the session, Sumner delivered an address in Tremont Temple on "The necessity, practicability, and dignity of the anti-slavery enterprise, with glances at the special duties of the North." It was one of the most comprehensive and persuasive presentations of the anti-slavery cause of the whole period of the controversy. There was a great demand for it in other cities. For the first time, Sumner was called to New York City, and delivered this address twice there and again in Brooklyn, being received everywhere with much enthusiasm.

It was during the months of this summer that Sumner gratified a long-felt wish by making his first trip to the West. On his journey he had

pleasant visits with Horace Mann, who had become president of Antioch College, and with Chase, who was entering upon his campaign for the governorship of Ohio. He went to the home and grave of Henry Clay at Lexington, Ky., and in this vicinity observed with keen interest the life of slaves on a large plantation. He seemed both surprised at finding them so well-conditioned and contented, and saddened at the thought of their being condemned to a life of servitude. From St. Louis he traveled by steamboat to St. Paul.

Upon his return to Boston in September from this journey on which he had "traversed eleven free states and three slave states," he found Massachusetts politics still in turmoil. The anti-slavery faction of the Know-Nothing party was ready to join with other anti-slavery men, but the other faction still persisted in emphasizing nativism as the principal issue. The great influence of the Springfield *Republican* and of its eminent editor, Samuel Bowles, was cast in favor of the Republican party, and, though heretofore not friendly to Sumner, he now urged him to take the lead in the campaign as "a captain whose moral power has not been weakened by participation in the preliminaries of the campaign, who has not suffered himself to be debauched by the local politics of the last twelve months." Sumner heeded the call, and spoke to great audiences in the principal cities of the state, emphasizing in particular the necessity, under existing conditions, of a party based upon the principle of

resistance to the extension of slavery. But he also gave prominence to a criticism of the principles and methods of the Know-Nothing organization, paying an eloquent tribute to the services rendered to the United States by men of foreign birth, of both high and low walks in life, and showing how religious proscription was out of harmony with the best American traditions. "A party which, beginning in secret, interferes with religious belief, and founds a discrimination on the accident of birth, is not the party for us."

Such language was reckless of political expediency, for Sumner's term in the Senate was approaching its end, and the Know-Nothing body in Massachusetts was still a power to be reckoned with. But in his whole career Sumner never swerved from what he believed to be the line of truth and duty to further his own fortune or the success of a political party. The Know-Nothing governor was reëlected, for the Boston Whigs still refused to recognize that their party was in its last throes. The Know-Nothings again secured a majority in the legislature, and, doubtless in resentment at Sumner's unpalatable words in the campaign, it was urged that this newly elected body should take into its own hands the choice of Sumner's successor, which would naturally devolve upon the legislators to be chosen a year later. But such a step would have been of doubtful constitutionality and flagrantly out of harmony with precedent and current practice, so that the proj-

ect was soon dropped. Who could foresee the dark event which within that twelvemonth was to bind the heart of Massachusetts as of one man to Charles Sumner !

CHAPTER X

"THE CRIME AGAINST KANSAS," AND THE BROOKS ASSAULT

At the opening of the new Congress, nearly one-fourth of the members were Republicans. They could no longer be shut out of committees on the ground that they were not members of any healthy political party, but their assignments were to positions of little responsibility. Greeley wrote in the *Tribune* of December 14, 1855: "Mr. Sumner—whose reputation as a scholar, orator and statesman is not confined to this hemisphere—dangles at the tail of two unimportant committees.[1] Such is slavery's confession that she feels the point of his spear."

During the first two months of the session, the subject of all-engrossing interest was the contest over the speakership. Though the majority of members of the House were now opposed to the Kansas-Nebraska Bill and to the administration which had fathered it, the various Republican and Know-Nothing elements were so discordant that not until the 133d ballot was the contest decided by the election of N. P. Banks, a Massachusetts Republican, whose political career had been aided by his temporary alliance with the nativists.

[1] Pensions and Enrolled Bills.

Meantime Kansas had become the scene of a yet sterner struggle. Missourians had hailed with acclaim the repeal of the prohibition of 1820 in the belief that the new territory contiguous to their own state would as a matter of course be peopled by slaveholders. But it soon became apparent that this anticipation was likely to be defeated unless they put forth strenuous efforts, for bands of earnest settlers were coming from the Northern states, determined to turn the decision of "squatter sovereignty" in favor of freedom.

The principal leader of the Missourians was Atchison, who had recently presided over the United States Senate; and the appeal went forth to the cotton states for recruits to repel the colonists from the North and keep the territory from their grasp. But the North was not less alert. Even before the Kansas-Nebraska Bill had become a law, Eli Thayer of Worcester was devising plans for assisted emigration, which presently took shape in the "New England Emigrant Aid Company," incorporated under the laws of Massachusetts, and enlisting in its work some of the ablest and bravest men in New England. The arrival of its first party of colonists in Kansas in the early spring of 1855 aroused the Missourians to fierce resentment. At the time of the March election, 5,000 of the "border ruffians" swept across the state line, terrorized the polling officers into receiving their ballots, and elected a legislature which would be their fitting representatives.

To the body thus fraudulently chosen, the free-

state settlers gave no recognition, but proceeded to elect a delegate to Congress and delegates to a constitutional convention, who met at Topeka and drew up a constitution. This was approved by the free-state voters, who forthwith elected a legislature which applied to Congress for admission as a free state under the Topeka Constitution. In all these proceedings the pro-slavery settlers and their allies had taken no part. But they eagerly sought occasions for quarrel, and in November 1,200 border ruffians surrounded Lawrence, the principal free-state town, evidently bent on destroying it. Finding the townspeople armed with Sharpe's rifles, the marauders withdrew, but they had not disbanded when Congress assembled. The message and the later proclamation of the President gave full recognition to what might fittingly be called the "Missouri" legislature, and federal troops were placed at the service of Governor Shannon.

The Senate was prompt in calling for documents relating to conditions in Kansas, and these gave rise to hot debate.[1] So violent were the passions aroused that, with sure prescience, Sumner declared to a friend: "This session will not pass without the Senate chamber's becoming the scene of some unparalleled outrage." Wilson took the lead, emphasizing the part which the Missouri invaders had played and the favor and coöperation extended to the pro-slavery faction by the administration. In the

[1] Said to a brother of Col. T. W. Higginson. *Contemporaries*, p. 283.

House, the issue was joined over the recognition of the delegate. Finally it was voted to send a commission of investigation to the territory. After careful study of the situation, the majority reported that the territorial legislature was the product of fraud and violence, and hence all its acts were void.

In the Senate, the principal debate on Kansas awaited the report from the Committee on Territories. It proved to be a divided report, but Douglas, for the majority, following the lead of the President, laid the blame of all the disorders upon the aggressions of the Emigrant Aid Company. He presented a bill providing for the early organization of a state government by a procedure which would distinctly confirm the legality of the "Missouri" legislature. Sumner straightway denounced this majority report for smothering the true issue, and declared that both the motive and acts of the Emigrant Aid Company were right and lawful. He closed thus: "A bad cause is naturally stated on untenable ground. You cannot show the misconduct [of the company]. Any such allegation will fail; and you now begin your game with loaded dice." These words greatly angered Douglas, who upbraided him for "justifying treason and rebellion," and threatened him with the penalties of such heinous conduct. Two days later he returned to an attack upon Sumner, giving vent to offensive epithets and attributing to him "baseness" and "base purposes."

This discussion of Kansas affairs was but a preliminary skirmish to the real fight which began in

the latter part of March, when there came before the Senate the two reports and also two separate bills, for Seward had introduced one providing for the admission of Kansas upon the Topeka Constitution. Douglas took the lead with a speech full of venom and scurrility. All his opponents he stigmatized as "black Republicans" and he denounced his own colleague from Illinois as a traitor, worthy of death. The Emigrant Aid Company drew from him and his followers the bitterest of abuse. Northern leaders were referred to in terms of contempt and social ostracism was urged against them. Wilson resented these insults and made some stinging rejoinders. Seward ignored such vulgar attacks; although his speech arraigned the President as mainly responsible for the disorders in Kansas, it did not grapple with the main issue. Sumner secured the floor for the 19th of May (1856). Two days before he was to speak, he wrote to Theodore Parker: "Alas! the tyranny over us is complete. Will the people submit? When you read this, I shall be saying to the Senate, 'They will not!' Would that I had your strength! But I shall pronounce the most thorough philippic ever uttered in a legislative body."

Meantime, in far-away Kansas veritable civil war had begun. Recruits had been mustered even from Alabama and South Carolina. At the call of a United States marshal, ostensibly to aid in executing process on a free-state man, these, together with hundreds of Missourians, had gathered, and, at the

moment when Sumner began his speech, they had for several days been marauding in the vicinity of Lawrence. Their lines kept drawing closer. On the morning of the day after Sumner had finished depicting "the crime against Kansas," this armed mob was in position upon the bluffs which commanded the town and before the sun had set, although the arrest had been made without resistance, the ruffians had stormed the place, smashed printing-presses, fired the hotel of the Emigrant Aid Company, and plundered and burned the townspeople's homes.

When Sumner began his speech, despite the intensity of the heat, the Senate galleries and adjoining rooms were thronged. There was a tenseness of anticipation in the air. It was felt that hitherto the Northern speakers had shown too much meekness. Sumner had been the man most viciously assailed, and it was known that he would now reply with utter fearlessness and would speak the naked truth as he saw it. And his text was at hand, for every one in Washington believed that blood would soon be shed in Kansas, and before night it was known that Lawrence lay at the mercy of the mob.

In opening his speech Sumner presented a glowing picture of the beauties of the new aspirant for statehood. He then declared that "the crime against Kansas"—the phrase in which he epitomized his own speech—was aggravated by the motive, which was "the rape of a virgin territory,

compelling it to the hateful embrace of slavery, . . . traceable to a depraved desire for a new slave state, hideous offspring of such a crime, in the hope of adding to the power of slavery in the national government, . . . force being openly employed in compelling Kansas to this pollution." He denounced the Kansas-Nebraska Bill as "in every respect a *swindle*, . . . the only word which could adequately express the mingled meanness and wickedness of the cheat." He enumerated the deeds of violence which had been committed in Kansas; he laid stress upon the ways in which the President and his administration had abetted them, characterizing as an "apology imbecile" Pierce's disclaimer of power to act, and spoke of the other excuses for the crime as "the apology tyrannical, the apology absurd, and the apology infamous." . . . "Tyranny, imbecility, absurdity and infamy all unite, like the weird sisters, to dance about this crime." He told of Atchison's having, "like Cataline, stalked into this chamber, reeking with conspiracy," where he had found "a senator [Butler] who had not hesitated to appear as his open compurgator." He defended the Emigrant Aid Company with great vigor, and closed his remarks of the first day with bold words of praise for Massachusetts, the leader in the war of the Revolution, "to which she contributed troops in larger numbers than any other state, and larger than all the slave states together," just as in the present struggle "she contributes . . . more of that

divine spark by which opinions are quickened into life than is contributed by any other state, or by all the slave states together, while her annual productive industry exceeds in value three times the whole vaunted cotton crop of the whole South."

In the course of his remarks he turned his attention to the senators "who had raised themselves to eminence on this floor in the championship of human wrongs: I mean the senator from South Carolina [Butler] and the senator from Illinois [Douglas], who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure." "The senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight. I mean the harlot, Slavery. For her his tongue is always profuse in words. . . . If the slave states cannot enjoy . . . the full power in the national territories to compel fellow men to unpaid toil, to separate husband and wife, and to sell little children at the auction block,—then, sir, the chivalric senator will conduct the state of South Carolina out of the Union! Heroic knight! Exalted senator! a second Moses come for a second exodus!" He then vindicated the Republican party against Butler's

charge of sectionalism, declaring: "It is in no just sense sectional, but, more than any other party, national; and . . . it now goes forth to dislodge from the high places that tyrannical sectionalism of which the senator from South Carolina is one of the maddest zealots."

Of Douglas he said: "As the senator from South Carolina is the Don Quixote, so the senator from Illinois is the squire of slavery, its very Sancho Panza, ready to do its humiliating offices. This senator in his labored address, vindicating his labored report,—piling one mass of elaborate error upon another mass,—constrained himself, as you will remember, to unwonted decencies of speech." Sumner then proceeded to declare that while with his boastful swagger he might convulse the country with civil feud, Douglas could not enforce obedience to the tyrannical usurpation in Kansas.

While Sumner was speaking, the pro-slavery senators at first feigned indifference, and kept up so much conversation and laughter among themselves that they had to be called to order. At the end of three hours, Sumner stopped; he concluded his speech in two hours on the following day. He strongly urged that Kansas be admitted as a state upon the Topeka Constitution. He denounced Butler, a judge and chairman of the Judiciary Committee of the Senate, for proposing that a warrant be issued for Sharpe's rifles:—"to compass the wretched purposes of a wretched cause, he thus purposes to trample on one of the plainest pro-

visions of constitutional liberty." Later, referring to Butler's angry outbreaks at the mere suggestion of the admission of Kansas as a free state, Sumner said: "With incoherent phrase [he] discharges the loose expectoration of his speech now upon her representative, and then upon her people. . . . There was no possible deviation from truth which he did not make, with so much passion, I gladly add, as to save him from the suspicion of intentional aberration. . . . He shows an incapacity for accuracy, whether in stating the Constitution, or in stating the law, whether in details of statistics or diversions of scholarship. He cannot ope his mouth but out there flies a blunder." Referring to Butler's contempt for Kansas and pride in his own state, Sumner said: "South Carolina counts by centuries where Kansas counts by years. But a beneficent example may be born in a day. . . . Were the whole history of South Carolina blotted out of existence, from its very beginning to the day of the last election of the senator to his present seat on this floor, civilization might lose—I do not say how little, but surely less than it has already gained by the example of Kansas in that valiant struggle against oppression, and in the development of a new science of emigration. . . . Throughout this infant territory there is more of educated talent in proportion to its inhabitants than in his vaunted 'state.' Ah, sir, I tell you that Kansas, welcomed as a free state, 'a ministering angel shall be' to the republic, when South Caro-

lina, in the cloak of darkness which she hugs, 'lies howling.'"

Of Mason he spoke as one who, "as author of the Fugitive Slave Bill, had associated himself with a special act of inhumanity and tyranny." "He holds the commission of Virginia,—of that other Virginia from which Washington and Jefferson avert their faces, where human beings are bred as cattle for the shambles, and a dungeon rewards the pious matron who teaches children to relieve their bondage by reading the Book of Life. It is proper that such a senator, representing such a state, should rail against free Kansas."

Watchful as had been his opponents for any opportunity against him, not once in the whole course of his speech was Sumner called to order. His eloquence and intense earnestness made a tremendous impression, and he was acclaimed as the peer of the greatest orators and statesmen of England and America. But Douglas and Mason writhed under the excoriation he had administered. Douglas spoke of the "depths of malignity that issued from every sentence"; he affected to be shocked by the "lasciviousness and obscenity" of Sumner's speech, and ridiculed him for "practicing his speech every night before the glass with a negro boy to hold the candle and watch the gestures,"—a charge to which Sumner's scorching rejoinder promptly gave the lie. But what rankled most was Sumner's denunciation of the Kansas-Nebraska Bill as "in every respect a swindle."

"Is it his object," cried Douglas, "to provoke some of us to kick him as we would a dog in the street, that he may get sympathy upon his just chastisement?"—words which took on a dark significance from the events of the next few hours.

Angry censure came from others as well. Mason denounced Sumner as "a cunning artificer or forger, who knows no other use of truth than to give currency to falsehood," and deplored the political necessity of tolerating him in the Senate, whereas elsewhere he would not be recognized "as possessing manhood in any form"; his very presence would be "dishonor" and "the touch of his hand would be a disgrace." To such low personalities Sumner would doubtless have turned a deaf ear, had he not been convinced that patience in face of the Southerners' swaggering arrogance had ceased to be a virtue. He fronted Douglas with scorn; advancing toward him, and pointing his finger defiantly at him, he said:

"Let the senator remember hereafter that the bowie-knife and bludgeon are not proper emblems of senatorial debate. Let him remember that the swagger of Bob Acres and the ferocity of the Malay cannot add to the dignity of this body. . . . I will not descend to things that dropped so naturally from his tongue. I only brand them to his face as false. I say also to that senator—and I wish him to bear it in mind—that no person with the upright form of man can be allowed ——" (hesitation).

Douglas: "Say it."

Sumner: "I will say it. No person with the upright form of man can be allowed without violation of all decency, to switch out from his tongue the perpetual stench of offensive personality. Sir, that is not a proper weapon of debate, at least on this floor. The noisome, squat and nameless animal, to which I refer, is not the proper model for an American senator. Will the senator from Illinois take notice?"

Douglas: "I will, and so will not imitate you, sir."

Sumner: "I did not hear the senator."

Douglas: "I said, if that be the case, I would certainly never imitate you in that capacity, recognizing the force of the illustration."

Sumner: "Mr. President, again the senator switches his tongue, and again he fills the senate with its offensive odor. I pass from the senator from Illinois.

"There was still another—the senator from Virginia—who is now also in my eye. That senator said nothing of argument, and therefore there is nothing of that for response. I simply say to him that hard words are not arguments, frowns are not reasons, nor do scowls belong to the proper arsenal of parliamentary debate. The senator has not forgotten that on a former occasion I did something to exhibit the plantation manners which he displays." [1]

[1] In passing judgment upon the mode of speech which Sumner allowed himself in this debate, it must be remembered that he had heretofore submitted to the most galling epithets, and

Among Sumner's friends there was not a little apprehension as to the consequences to which such a speech might lead. Douglas's words had seemed to hint at personal violence, and after the session Wilson and one or two others told Sumner that they were going home with him. When Sumner caught their meaning, he immediately dismissed their suggestion of acting as his body-guard. "None of that, Wilson," said he. Now, as at other critical junctures, he showed himself almost fatalistically insensible to fear, and continued to walk alone about the streets of the capital.[1]

that unbridled license had repeatedly been used by Douglas and his allies in assailing the leaders of the North. That these masters of senatorial billingsgate had now met with "majestic, elegant and crushing" rebuke from Sumner gave profound satisfaction and encouragement to anti-slavery men throughout the country. Said Parker to Sumner, after his speech: "You had all three of them at once on the point of your spear." Sumner's own vindication of his severity of speech on such occasions he stated thus to a friend: "There is a time for everything; and when crime and criminals are thrust before us, they are to be met by all the energies that God has given us, by argument, scorn and denunciation. The whole arsenal of God is ours; and I will not renounce one of its weapons,—not one. That is my opinion, formed in experience and tried by tranquil meditation." Letters of hearty congratulation and appreciation came pouring in upon him. The speech was issued in enormous editions; it is estimated that within two months of its delivery a million copies had been distributed. It was reprinted in England, and translated into Welsh and German.

[1] "I don't believe he knew what fear was. Perhaps it detracts from his credit that he didn't know what fear was. Richard Dana said once, describing him: 'He is a cat without smellers.' That is he has none of the delicate tests that, as he passes along, tell him what he touches. He wanted that timidity which recognizes the opposition to him, and so he passed bravely on." —Wendell Phillips, oration reported in Boston *Daily Advertiser*, March 13, 1877.

But meantime a self-constituted champion of the South was nerving himself to avenge what he deemed the insults that had been heaped upon her. Preston S. Brooks had come to Congress in 1853 from an up-state district of South Carolina. In the war with Mexico he had headed a company of volunteers, but illness had prevented his seeing active service. In the House he had been orderly in his conduct, had once helped stop a personal encounter between members, and had introduced a resolution against the bringing of concealed weapons. He was considered less of a "fire-eater" than many of his Southern colleagues, and was on quite friendly terms with some Northern members. Brooks, who was later referred to as Butler's "nephew" and "near kinsman," was the son of the senator's cousin. He had heard a part of Sumner's speech on the first day, and resented what he denounced as insults to his kinsman and to his state. From his own testimony it seems probable that his real grievance was Sumner's attack upon "the harlot, Slavery," and the devotion which she received from Southern leaders, and that others, of more brutal mind than he, urged him on as the champion of his outraged section, working upon his relationship to Butler as affording both the natural reason why he should act and a possible defense in case of court proceedings. Brooks complained of Sumner's speech the first day; the second day, comments of colleagues and in social circles stung him to more definite thoughts of vengeance. On the following day, he broached the

matter which was burdening his mind to Edmundson of Virginia, laying stress, so the latter said, upon Sumner's characterization of South Carolina as "disgracefully impotent during the Revolution, and still more so on account of slavery." Brooks urged his colleague to be present as a friend, but Edmundson's saying that he had only a "little briar stick" with him showed that he understood Brooks really wished him to be prepared for active assistance. They stalked their prey in the Capitol and through its grounds, but did not find him. The following day, Edmundson came upon Brooks lying in wait for Sumner at the entrance to the Capitol grounds, with the intention of attacking him there, or, in case he drove to the Capitol, of passing up the steps and accosting him at the East Front, on his way to the Senate. Edmundson dissuaded him from this course, lest the exertion of hurrying up the steps should unfit him for a contest with Sumner, whom both these ruffians thought to be Brooks's superior in strength. Accordingly Brooks went to the Senate chamber, where his companion joined him. While a eulogy was being pronounced upon a deceased member, Brooks stood in the aisle a few feet from Sumner's chair. Upon the Senate's adjournment, most of the members left the chamber, Brooks taking a vacated seat, separated by two from the one where Sumner was sitting. The presence of a woman in the gallery embarrassed Brooks's sense of gallantry. He asked one of the attendants to get her to leave, and when this supposedly whimsical request was not

complied with, he went out to ask Edmundson's advice as to whether it would not be best to send in his card to Sumner. He was dissuaded on the ground that Sumner would probably not leave his work but would summon him to his desk.

Free of interruptions, Sumner had settled to his writing, drawing his chair up close to the desk over which he was bent, absorbed in his work. A chivalrous knight might never again hope to have his victim more completely at his mercy, for the desk, firmly fastened to the floor, pinioned him; until he should have time to push back his chair, it would be impossible for him to rise.

Suddenly Sumner heard his name called. Looking up, he saw a tall, dark-faced stranger, who, without giving his name, said: "I have read your speech over twice carefully; it is a libel on South Carolina and Mr. Butler, who is a relative of mine" —and down upon the head of the defenseless man crashed a blow from a heavy gutta-percha cane. Half-stunned, Sumner struggled to rise; the blows still continued, but the desk held him, till he wrenched it from its iron fastenings. As he staggered toward his assailant, Brooks seized him by the collar and still rained blows at his head. The cane broke, but the furious blows did not cease till Sumner sank bleeding to the floor.

The Senate chamber was almost empty at the time. So swiftly and without warning had the assault been made that not till Sumner was falling

did any one reach his side. Surprise and lack of presence of mind hindered some, but there were others who deliberately held back. Toombs, standing near by, saw the first blow and watched the assault with approval. Keitt, Brooks's colleague, who had been awaiting his action, immediately rushed forward, brandishing a cane and with hand on pistol, shouting, "Let them alone!" He even threatened the venerable Senator Crittenden, who was trying to get between the assailant and his victim. Slidell and Douglas were in the anteroom, when the shout was heard that some one was assaulting Sumner. Slidell, who years before had assured Sumner of his grateful appreciation of his "chivalrous and zealous advocacy" in defense of his brother, now "felt no emotion at hearing the remark. I remained very quietly in my seat. . . . I have no association of relations of any kind with Mr. Sumner. . . . I did not think it necessary to express my sympathy or make any advances toward him." Despite his own menacing words, Douglas denied that he had had the slightest suspicion that any violence was to be offered Sumner; he acknowledged that his first impulse had been "to help put an end to the affray; but it occurred to my mind in an instant that if I came into the hall my motives would be misconstrued, and I sat down again."

As friends gathered about the stricken senator, it was thought that he could not survive. He was bruised upon the face, arms and shoulders, while

blood flowed copiously from two long wounds, deep and very ragged, on the back of his head, which cut to the bone and down under the scalp. But for his heavy mass of hair, instant death would probably have resulted from such blows. Wilson took the half-conscious man to his lodgings. With undaunted spirit, he declared that he would renew the conflict with slavery as soon as he could return to his post. But the next day, for the first time since he had entered the Senate, the seat of Charles Sumner was vacant.

When the Senate convened, by previous arrangement among the Republicans, Wilson made a brief statement of what had occurred. There was a pause. It had been hoped that some member of the majority would make a motion for a committee of investigation, but none of them stirred. As the presiding officer was about to proceed to the regular business of the day, Seward moved that a committee of inquiry be chosen. No objection was interposed, and it was passed without debate, after being amended, however, so that the committee should be chosen by the Senate. Had ordinary precedent been followed, the presiding officer would have named Seward chairman of the committee and have given fair representation to the minority, but the Senate proceeded to elect a committee made up exclusively of Democrats. Five days later this committee submitted a terse report, which, without comment upon the nature of the outrage, merely declared that the assault constituted a breach of the

privileges of the Senate, but that it lay outside the Senate's jurisdiction and was punishable only by the House of which Brooks was a member. The committee's recommendation that their report and affidavits be transmitted to the House was immediately adopted by the Senate.

Meantime, in the House, Clingman of North Carolina had tried to block a motion of inquiry by making the point that there was no question of privilege, as the assault was not committed on a member of the House. But the Speaker ruled against him, and the resolution was passed by a vote of about three to two. The Speaker then appointed a committee consisting of three Northern Republicans and two Southern Democrats. After a week spent in taking testimony and deliberating, the committee by a vote of three to two declared Brooks guilty of an assault and of disorderly behavior and recommended his expulsion and the censure of Edmundson and Keitt. The two Southern members dissented in a "coarse tissue of sophistry," insisting that the House had no jurisdiction, since the assault was not committed on a member of the House nor while the House was in session.

Though the Senate resolution had been passed without debate, the subject came before that body some days later through personal explanations which several of the members sought to make as to allegations contained in the affidavits. Toombs's frank avowal of his approval of the assault called from

Wade the ringing challenge: "If the principle now announced ['an assassin-like, cowardly attack upon a man unarmed'] is to prevail, let us come armed for the combat; and although you are four to one, I am here to meet you. God knows a man can die in no better cause than in vindicating the rights of debate on this floor." Wilson declared: "Mr. Sumner was stricken down on this floor by a brutal, murderous, and cowardly assault——" "You are a liar!" shouted Butler, starting forward as if to attack him, but other senators interposed and persuaded him to withdraw his words.

A fortnight later, however, in the debate on the Kansas bill, Butler recurred to Sumner's speech, declaring that, had he been present, he would not have submitted to such insults. He expressed approval of all of Brooks's conduct; professed to believe that Sumner was little hurt and now was "shamming"; referred to him as a "criminal aggressor," a "degenerate son of Massachusetts," like Thersites in "deserving what that brawler received from the hands of the gallant Ulysses"; and implied that Sumner would have had far less social currency, had not he (Butler) at the first maintained intercourse with him. Wilson ridiculed as a "pinywood doctrine" this assumption of social superiority, and proceeded by authoritative quotations from Butler's speeches to prove that for a long time he had been the aggressor, nagging Sumner with the most insulting epithets and in most offensive manner. To this Butler made a rather shamefaced

reply. Seward, who had been strangely reluctant to speak, even now seemed unduly conciliatory in compliments to the South; but he spoke most feelingly of Sumner as "a cherished personal friend and political associate" and declared with sure prophecy: "The blows that fell on the head of the senator from Massachusetts have done more for the cause of human freedom in Kansas and in the territories of the United States than all the eloquence . . . which has resounded in these halls from the days when Rufus King asserted that cause in this chamber, and when John Quincy Adams defended it in the other house, until the present hour."

The promise of the first few days that Sumner would soon be back in his seat was not fulfilled. Violent pain and fever came on. One of his wounds had to be opened, and for a few days his condition was critical. After he had rallied a little, he was taken to the country, but the wound still refused to heal, and he complained of dull feelings in his head which made him fear the approach of paralysis. He was in Washington again for a few days in July, and many anti-slavery men in Congress and members of the diplomatic corps called to inquire for him, but no call or word of sympathy came from adherents of the administration with the exception of Cass. Seven weeks after the assault he went to Philadelphia, to put himself in the care of an eminent physician.

In these days of Sumner's prostration, the national

conventions were held. In the Republican assembly not a few votes were cast, especially by New York delegates, for Sumner as nominee for the vice-presidency. It was said that his nomination was prevented only by the Massachusetts delegation formally withdrawing his name.

On the very day that Sumner left Washington, occurred Brooks's trial in the circuit court of the District of Columbia on the charge of assault. He made no denial, but declared he had acted as would a husband avenging his outraged honor. The court imposed on him no other penalty than the trifling fine of three hundred dollars.

Two days later began the debate in the House on the report of the committee on the assault. Most of the speakers laid chief stress on the contention that the House had no jurisdiction. But others did not hesitate to justify the assault in every respect. No attention was paid to Butler's grievance. Especially forward in praising Brooks's championship of the South were Clingman, who maintained "the liberty of the cudgel," and Savage of Tennessee, who declared that Brooks, "instead of deserving punishment, merited the highest commendation," and that Sumner "did not get a lick more than he deserved." Most impressive was the speech of Giddings, himself a hero of the struggle for free speech in the House. The vote stood one hundred and twenty-one to ninety-five in favor of expulsion, thus falling far short of the requisite two-

thirds. After the vote had been declared, Brooks obtained the floor and made a braggart's speech. He showed with disgusting clearness the deliberation with which the assault was planned, explaining his choice of a cane rather than a whip, so that he might get the firmer grip; he implied that he was provided with some deadly weapon for use in case Sumner had wrenched the cane away from him. He referred in insulting terms to anti-slavery members, speaking of Comins, with whom he had previously sought association, as a "poltroon and a puppy, . . . a cock that crows and won't fight, despised by the hens and even by the pullets." By her resolutions condemning the attack, he declared that Massachusetts had "given additional proof that she neither comprehends the theory of our government nor is loyal to its authority." To those who had voted for his expulsion he said that "for all future time his self-respect required that he should pass them as strangers." He thereupon announced his resignation, and strode from the chamber, to be overwhelmed at its door by the kisses and embraces of Southern women. The resolution of censure upon Edmundson was defeated, largely on the ground that he was not present at the assault. Keitt was censured by a vote of one hundred and ninety-six to ninety-six. He thereupon made a brutal speech, in which he declared that Brooks "redressed a wrong to his blood and his state and he did it in a fair and manly way." He, too, resigned. And within three weeks each of these heroes had been

vindicated by reëlection to his seat by a practically unanimous vote.[1]

Brooks challenged a Massachusetts member to a duel for denouncing the assault "in the name of that fair play which bullies and prize-fighters respect," but later declined to go to the place in Canada selected for the combat. Wilson's condemnation of the affair as "brutal, murderous and cowardly" called forth a challenge. Wilson contemptuously declined to fight a duel with him, but gave it to be understood that he should be prepared to defend himself. Brooks continued to breathe out threatenings, but men who called him coward, ruffian and bully went unscathed, for Brooks assumed the rôle of avenger only when his victim was unarmed and pinioned.

The extended account which has been given of this assault would be entirely disproportionate, were it not for the fact that throughout the slave states Brooks's act received ardent approval as a valiant deed for the honor of the South. "Good in conception, better in execution, and best of all in consequences," was the comment of the Richmond *Enquirer*, and it called for like treatment in the case of other Northerners who should dare "slander the

[1] In a speech at a banquet given in his honor, Brooks declared himself, in this deed, "the type and representative of the entire South." In an address issued to his constituents, he urged them to elect him with unanimity, "if I have represented you faithfully." And in his entire district only six votes were cast against him.

South."[1] Simms, the most eminent Southern man of letters, justified the attack, and even approved it in New York in words which deeply incensed his hearers. Jefferson Davis wrote to Brooks, commending both his act and his character. He was hailed as the representative of Southern chivalry and presented a gold-headed cane by the students of the University of Virginia, the greatest centre of culture in the South, while a dozen canes and other evidences of admiration came from various places in the slave states.

Throughout the North there was absolute unanimity in condemning the assault. It was everywhere recognized as an attack upon constitutional liberty, evidencing a determination to suppress free speech, just as at the very same time other ruffians were suppressing free speech and a free ballot in Kansas. The legislatures of Massachusetts, Connecticut, Rhode Island and Vermont passed stinging resolutions, which were presented in Congress. In many of the great cities of the North public meetings of protest were attended by thousands and addressed by such men as Henry Ward Beecher, William Cullen Bryant, William M. Evarts, Francis Wayland, E. Rockwood Hoar, Longfellow and Quincy, Holmes and Emerson. At the formal recommenda-

[1] The Charleston *Mercury* of July 21, 1856, commented on the assault: "The whole affair has been most opportune. . . . He [Brooks] has from the first conducted himself with good taste, good judgment, and good spirit." Sumner "is dead in the esteem of every man not a poltroon, North or South."

tion of the governor of Massachusetts, a resolution was introduced in the legislature that the commonwealth defray the expenses of Sumner's illness, and a popular subscription was started to provide a testimonial in recognition of his championship of freedom in the Senate. Later this desire to show popular approval led to the proposal that Sumner be nominated for governor, with the expectation that he would serve only from January till March and then resign. But Sumner vetoed all three proposals, requesting that the contributions be devoted to the cause of freedom in Kansas. From all sides came expressions of sympathy and appreciation of his service. As many as 350 letters of such import were received within six weeks of the assault. It has been suggested that these would afford an interesting contrast, both as to their spirit and the character of their writers, if they could be placed in comparison with the letters of the same period received by Brooks, Butler and Douglas. Academic recognition was shown in the bestowal upon Sumner of the degree of LL. D. by both Amherst and Yale, but not till three years later by his *alma mater*. Tributes of sympathy and affection came from abroad, where the significance of the Brooks assault was clearly seen by keen observers. "That outrage," said Cornewall Lewis, "is no proof of brutal manners or low morality in America; it is the first blow in a civil war." [1]

In search of health, Sumner went first to the

[1] Morley, *Life of Gladstone*, Vol. I, p. 441.

shore and then to the mountains, but the gains were slow and slight. He was much troubled by insomnia, by a feeling of weight on the brain, and by throbbing pains in his head. Friends and physicians noted with apprehension his pallor, his tottering steps and his exhaustion even from slight effort. His letters frequently reveal a dread of "the possibility of life with shattered nerves and perhaps with a brain that has lost its powers."

As the time of the national election approached, Sumner, who was then under treatment in Philadelphia, determined to return to Boston to vote for Frémont. Forthwith came a committee of citizens, tendering a banquet. This he declined, but was prevailed upon to accept a public reception, which was carried out in such manner as to make it a most impressive tribute of sympathy, appreciation and admiration. Sumner came first to Longfellow's home. The following day he went to Brookline; here he was met by distinguished citizens and escorted to the Boston line, where waited a "cavalcade" of nearly 700 citizens as an escort. He was presented to the mayor and was most feelingly greeted by him and by the venerable Josiah Quincy. He entered the carriage, which was drawn by six gray horses, and the procession, nearly half a mile in length, advanced to the front of the State House. The streets were decorated with banners, festoons and arches; flags were flying and bouquets were thrown into his carriage. The streets leading to the State House were thronged with people. Here

the senator was presented to the governor of the commonwealth, who welcomed the "eloquent orator, the accomplished scholar, and the acknowledged statesman, . . . the earnest friend of suffering humanity and of every good cause, . . . the successful defender of the honor and integrity of Massachusetts." Sumner started to reply, but his strength was already overtaxed, and after a few words of appreciation, he was forced to abandon the effort. After nine cheers from the thronging thousands, Sumner was escorted to his own home, near at hand, where his mother awaited him. The street before the house was soon packed, and again and again mother and son had to appear at the window. Yet in all the excitement and high-wrought feeling of that day there was no mention of the assailant, no hint of vengeance.

In the ensuing election Frémont carried Massachusetts by a majority of 50,000; the Republican candidate was reëlected to Congress, and the Republicans secured a majority in the state legislature. At the opening of Congress the Republicans carried themselves with confidence born of the knowledge that they had elected a majority of the next House. Sumner was eager to get back to his post. Senatorial service, so unattractive to him at first, now kindled his most intense zeal. To Giddings he had written, shortly before Congress adjourned: "For three weeks of this session I would have given three years of any future public life." Undaunted by all his past perils and sufferings, he now wrote to

Whittier: "I long to speak and liberate my soul. If I am able to speak as I desire, I think that I shall be shot. Very well, I am content. The cause will live." [1]

When the Massachusetts legislature convened, it immediately took up the election of senator. In the House there were three hundred and thirty-three votes for Sumner to twelve for all others, while in the Senate every vote was cast for him. Yet six years before, his election had been effected by a single vote at the end of the longest deadlock in the history of the commonwealth, and a year later the journals of the Whig party—now dead—had called upon him to resign, taunting him with lack of any popular support. As R. H. Dana, Jr., wrote: "No one can now say that you have not a constituency behind you. Where is there a senator who holds by such a tenure?"

But his progress toward recovery was tediously slow.[2] At the opening of Congress he was quite un-

[1] December 20, 1856.

[2] While he was convalescing at his home in Boston, James Freeman Clarke called one day, and found him conversing with three gentlemen. "He introduced one of them to me as Captain John Brown of Ossawatomie. It was the first time I had ever seen John Brown. They were speaking of this assault by Preston Brooks, and Mr. Sumner said: 'The coat I had on at the time is hanging in that closet. Its collar is stiff with blood. You can see it, if you please, Captain.' John Brown arose, went to the closet, slowly opened the door, carefully took down the coat, and looked at it for a few minutes with the reverence with which a Roman Catholic regards the relics of a saint. It may be the sight of that garment caused him to feel a still deeper abhorrence of slavery and to take a stronger resolution to attack it in its strongholds. So the blood of the

able to attend its sessions. Friends begged him to take no risks, and earnestly dissuaded him from any thought of resigning, urging that he go to Europe and seek restoration of his health. He reached Washington a week before the end of the session, and on February 26th he was again in his seat, vacant since the 22d of May. From Republicans he received a cordial welcome, but Democrats gave him no sign of recognition. Sumner found himself unable to stand the strain of the sessions. He had come to Washington to cast his vote in favor of reducing the tariff rates of 1846 on raw materials, especially on wool, a modification then strongly urged by the manufacturers of New England. He was summoned when votes were to be taken, and at two stages his vote was decisive. He was sworn in for his second term March 4, 1857, and was assigned to the Committee on Territories, under the chairmanship of Douglas. Wilson nominated him for the Committee on Foreign Relations, for which he had preëminent qualifications, but this nomination was defeated by the action of Seward, who wanted this position for himself.

On the 7th of March, Sumner sailed for France, honored by a salute of thirty-one guns, fired by the Young Men's Republican Club. It was the seventh anniversary of Webster's Seventh of March Speech,

martyrs is the seed of the church."—*Memorial and Biographical Sketches*, p. 102. This incident, though narrated with such particularity, is believed to be apocryphal by Mr. A. B. Johnson, who was Sumner's private secretary.

and on that morning was published the Supreme Court's decision in the Dred Scott case.

Meantime Brooks had resumed his seat with triumphant air. He took part in the debates early in the following session; but in January he died very suddenly of an acute inflammation of the throat. In the House friends spoke in his praise; but only Savage ventured to refer to the one deed by which he is now remembered, assigning to Brooks a place in history by the side of Brutus. At this many of the Republican members withdrew from the hall. Brooks's remains were accorded a public funeral in South Carolina with civic and military honors. Upon his monument in the village of his birth is carved the following epitaph,—the closing sentences of the eulogy pronounced upon him in Congress by his accomplice, Keitt: "Ever able, manly, just, and heroic, illustrating true patriotism by devotion to his country, the whole South unites with his bereaved family in deploring his untimely end. 'Earth has never pillowed upon her bosom a truer son, nor heaven opened wide her gates to receive a manlier spirit.'"

It is said that in these few months Brooks had come to have a distaste for honors thrust upon him as the "representative of bullies," and that he felt the weight of history's verdict upon his "brutal, murderous and cowardly act." As Wilson wrote to Sumner on the day of his death: "His enemies cannot but feel sympathy for his fate. What a name to leave behind him!" Butler died a few

months later, on almost the first anniversary of the assault. Keitt met his death fighting for the Confederacy in 1864.

It was peculiarly characteristic of Sumner that he cherished no resentment toward Brooks nor toward the people of the South. His only war was upon slavery. He was not present at Brooks's trial for assault in the District of Columbia court, and declared himself indifferent as to its outcome. Years later, when Brooks's name was mentioned to him, he said: "What have I to do with him? It was slavery, not *he* that struck the blow." Two years before Sumner's death, George William Curtis called his attention to Brooks's cenotaph in the Congressional cemetery, where his remains had been temporarily interred. "Poor fellow, poor fellow," said Sumner, turning away. "How did you feel about Brooks?" Curtis then asked him. Sumner replied: "Only as to a brick that should fall upon my head from a chimney. He was the unconscious agent of a malign power."

CHAPTER XI

IN QUEST OF HEALTH

SUMNER reached Paris toward the end of March, having followed the same route over which he had come, nineteen years before, all aglow with youthful enthusiasm. He came now heralded by a reputation for achievement and for devotion to a great cause. But his first concern was to seek out Crawford, the sculptor, whom he had befriended so effectively, but whom he now found in the shadow of death; they were never to meet again. Sumner spent a busy month in Paris, during which he greatly enjoyed social meetings and frank discussions with De Tocqueville and Guizot, both of whom shared his views as to slavery, and with Lamartine and Mignet, getting an intimate knowledge of French leaders of thought and of European politics, soon to be of great service not only to himself but to his country. He found much recreation in visiting points of historic interest and in attending the opera and theatre, being greatly impressed by Ristori's acting.

After a three-weeks' tour of the provinces, he crossed to London, where hosts of old friends overwhelmed him with kindness. He was the guest of Brougham and Cobden, and also of Gladstone and Bright, whom he now came to know for the first time.

En route to the Continent, he spent four delightful days with De Tocqueville, at his chateau, three or four centuries old, on the Island of Jersey. In Paris he enjoyed meeting his friends, Hamilton Fish and family, just arrived from New York. The next month was devoted to a hasty excursion, in the course of which he visited the points of most archæological and literary interest in Switzerland, Northern Italy, Holland and Belgium. In September he returned to London, and presently started northward upon a tour which took him as a welcome guest to many a famous castle and country house. On his return from Scotland, he was for a day the guest of John Bright, and visited Gladstone. On the day of his sailing for America (against the advice of physicians and friends who insisted upon "a longer 'fallow' for my brain") he wrote intimately to Cobden:—"I leave England profoundly impressed by its civilization, and at the same time painfully regretting three things,—primogeniture, the flunkeyism of servants, and the tolls,—all three showing themselves everywhere."

At the pier Sumner was greeted by Wilson, Banks, and other friends and at his home he found the street thronged with hundreds who had gathered to bid him welcome. A few weeks later he was cordially greeted by Republican colleagues at the opening of the Thirty-fifth Congress, but administration men kept aloof. The Kansas debate was to occupy much of the time of the session, the question being over the admission of Kansas upon the Lecompton

Constitution, a pro-slavery project which Douglas was now prepared to oppose. Sumner had come home because his conscience would not let him stay away from the field where such fierce fighting was to be done. But he soon found that while his months of travel had brought him interesting diversion, they had by no means restored him to health. A few days after the opening of the session he wrote: "At times I feel almost well, and then after a little writing or a little sitting in the Senate, I feel the weight spreading over my brain." He was obliged to give up regular attendance, not being able to listen even to Douglas's speech. He passed his time in quiet reading, browsing much in the Smithsonian Institution. His enforced inaction was a sore trial to him. To Dr. Howe he wrote: "I would give one year of life for one week now to expose this enormous villainy" (the Lecompton Constitution). But since attempts at regular attendance in the Senate were delaying his recovery, he left Washington in late December, and for five months came to the Senate only when summoned to vote upon some matter of critical importance, usually in relation to Kansas. Much of this time he spent in Philadelphia, and also at his Boston home or with Longfellow. It was in these months of semi-invalidism that he developed a keen interest in old documents and engravings, devoting to their tireless study many days which would otherwise have hung heavily on his hands. But in April there came a warning that not only was his health far from restored but

that he must get away from all cares and responsibilities. He suffered a severe prostration, brought on by no undue exertion ; for weeks he could neither walk nor rise from his chair without great pain. His best friends in the Senate as well as his medical advisers urged him to go to Europe once more, and reluctantly he started, May 22d—the second anniversary of the assault—upon what he planned should be a leisurely tour of lands which he had not yet visited. Before sailing he published a letter to the people of Massachusetts, explaining that he was leaving the Senate solely for the purpose of fitting himself for better service, and that he should have resigned, had he not supposed his illness would have been more speedily cured. On the day of his landing at Havre he wrote in bitterness of spirit : "I long for work, and especially to make myself felt in our cause. The ghost of two years already dead haunts me."

Sumner had hardly reached Paris when he was recommended to consult Dr. Brown-Séquard, who, while not in regular medical practice, had become quite famous for his bold experimenting on animals and men, and for his special studies of nervous diseases. Both he and a Boston physician then in Paris, in whom Sumner had great confidence, agreed in the opinion that Sumner's case required not merely time and relaxation but "active treatment." Dr. Brown-Séquard's theory was that the blows upon Sumner's head had produced disturbances of the spinal cord in which now lay the

root of difficulty. The remedy which he advised was "Fire,"—and Sumner asked that it be applied immediately. It was usual, during this process, for the patient to take chloroform, but when Sumner was told that the remedy might prove somewhat more effective without the anæsthetic, he refused to have it. At the time, Dr. Brown-Séquard gave the following account of the treatment: "I have applied six *moxas* to Senator Sumner's neck and back, and he has borne these exceedingly painful applications with the greatest courage and patience. A *moxa* is a burning of the skin with inflamed agaric (amadou), cottonwood, or some other very combustible substance. I have never seen a man bearing with such fortitude as Mr. Sumner has shown the extremely violent pain of this kind of burning." The applications lasted from five to ten minutes. Sumner sat gripping the top of a chair which he broke as he writhed in agony. Nor did the torture end with the burning, for wounds were caused which refused to heal, and which deprived him of sleep and made both driving and walking exceedingly painful. He wrote to Longfellow: "The torment is great, . . . and then the succession of blisters, inflammations and smarts. I struggle for health, and do everything simply to that end. The doctor is clear that without this cruel treatment I should have been a permanent invalid, always subject to a sudden and serious relapse. Surely this life is sometimes held on hard conditions." This mode of treatment then met with approval from many men of distinction in

the medical profession, though now entirely discarded. In his later practice, Dr. Brown-Séquard himself discontinued it, regarding the pain which he had seen Sumner suffer as too great for the human system to endure.[1]

It was while he was under Dr. Brown-Séquard's ministrations that Sumner experienced his first attack of *angina pectoris*, the painful disease which was to cause his death. The attack was very severe, and the pains recurred with such intensity as to "make the fire seem pleasant." For two months he was hardly able to leave his bed. His sufferings were intense, but his loneliness was somewhat relieved by scores of letters and messages of sympathy from friends in America and England. His greatest comfort, when he could leave his bed, was in the examination of the rich collections of engravings in the National Library.

In September Sumner spent several weeks in Aix en Savoie, trying its celebrated baths, with no marked results. But at the end of this treatment, he was able to travel by slow degrees through Switzerland and northern Italy, and to visit Vienna, Prague and Berlin, where he met Alexander von Humboldt. In November he reached Paris. Considerable gain was noted from these months of travel, and it was decided that he should spend the winter in the south of France, "with poisons for medicine" and dry cupping along the spine, which Sumner described as painful, but preferable to fire. Accord-

[1] Pierce, Vol. III, pp. 563–565.

ingly, late in November, Sumner went to Montpellier. Here he "began the day with his torments, and fed on his poisons." But fortunately other curative agencies were at hand. The quiet little city of 50,000 had an excellent gallery and a venerable university, and in the collections of paintings, engravings, manuscripts and rare books there were abundant interests to stimulate him. Warm friends, too, he made in the families of a distinguished naturalist and of a retired English soldier, one of Wellington's veterans. Sumner was most cordially received at the university, where he attended courses of lectures on historical and literary topics. The quiet walks, the "perpetual spring," the genial society and the refuge and solace which he found in books brought healing. But he could not banish from his mind the doubt whether he ought not to resign from the Senate. From colleagues and from Massachusetts advisers he received urgent charges not to consider such a step. And, as he wrote to Charles Francis Adams, "I could not abandon a position dearer to me now than ever, because more than ever, with returning health, I can hope to serve our cause; and because I have at heart to be heard again from the seat where my assassination was attempted."

Sumner left Montpellier early in March, and traveled with many stops through southern France and northern Italy. These wanderings he described with enthusiasm, but added: "Nothing touches me like Rome." Here he spent several weeks, the

guest of the Storys. Though but just recovering from long illness, his enthusiasm kept him constantly on the move from one object of interest to another. He found especial delight in the studios of painters and sculptors, in particular discussing with Rogers the persons and scenes to be commemorated upon the bronze doors for the Capitol at Washington, which were then being modeled. The unfinished work in Crawford's studio filled him with sorrow. Motley and Hawthorne were among the friends with whom he passed many a delightful hour. But he was ever beset by the call of duty. To Story he kept saying: "I must get well; I *will* get well! My post is in the Senate, and there I long to be. . . . It is terrible to be thus stricken down when there is so much to do."

Sumner left Italy shortly before the battle of Magenta. He felt it to be "a great moment in history,—nothing like it since 1815." At Turin he had an informal interview with the foremost statesman of the age, Cavour. He found him confident that the Austrians would be driven out of Italy that summer, and full of hope that Italy would take the place that belonged to her, and that when free she might again produce great men. Here, too, he found all the *grandes dames* "engaged in making lint for the hospitals, and most happy that the crisis, long desired, had at length come." On his way in an open carriage across the Alps Sumner seemed to be traveling in a pageant, for he was constantly passing through files of French troops,

entering Italy. He yielded to the current belief that Napoleon III. would hold himself faithful to the idea of Italian independence, but his misgivings because of the "strength of that prodigious triangle" and of his distrust of the Emperor proved well grounded. On his return to Paris Sumner was encouraged to note how much he had gained in strength since the days when he underwent torture in the same lodgings. He met here Motley and Theodore Parker, and renewed acquaintance with French friends of former years. He spent a few weeks in London, but the round of social pleasures and the interest of parliamentary sessions proved too severe a tax upon his strength. He was in Paris again in time to witness the Emperor's triumphal return from Italy.

Both in Paris and in London he found delight in indulging in his newly awakened passion for collecting. He wrote to Parker: "For several days I have been torn and devoured by desires that have grown by what they fed on,—at shops on the quays and collections of engravings. I have yielded, till I stand aghast at my extravagance!"[1] His greatest

[1] It has been estimated that he devoted about $2,800 upon this trip to the purchase of books, manuscripts, engravings and works of art,—no small sum for a man in his position. He was not a good judge of values, nor had he any liking or aptitude for bargaining. The result was that he always paid high prices and often for articles not of great value. By the terms of his will his marbles went to his sister; his bronzes were divided between Longfellow and Howe; his paintings and engravings went to the Boston Art Museum; and his books, autographs and old manuscripts to the Library of Harvard College.

pleasure was in his engravings. But a sight which he declared filled him with even keener delight than these was that of "some twenty colored boys,—some mulattoes, and others black as Ham,—seated among the pupils at the College of Havre. Several of these, including one of the blackest, were among those who received prizes."

A few lines from a letter to a friend written on the day Sumner sailed for America will give an idea of some of his engagements during his last days in England: "Seven days in London at the British Museum; a day with the poet-laureate, Tennyson, at the Isle of Wight; two days with Lord Stanhope at Chevening Park, where I slept in the room which was occupied for three years by Lord Chatham; one day at Argyll Lodge with the Duke, where I met Gladstone: . . . one day with Motley, the historian of the Dutch commonwealth, at Walton on Thames."

November 21, 1859, Sumner reached Boston, and was most warmly greeted not only by personal friends but in public meetings and by the legislature. During these three years and a half of his disability, Massachusetts had remained loyal to him. There was no wish for his resignation, for it was felt that the state could be better served by no one else, and that his seat in the Senate chamber, vacant year after year, was bearing eloquent witness to the great cause of which Charles Sumner was one of the first martyrs.

CHAPTER XII

"THE BARBARISM OF SLAVERY"

SUMNER found the Senate not a little changed since the day when he first entered it. Then he had been one of but three Free Soilers; now there were already twenty-four Republicans to forty-four of all other parties, and the admission of Oregon and Minnesota had given promise that the control of the Senate by the South was nearing its end. Sumner was warmly welcomed by the Republican members, but met with only formal recognition from men on the other side of the chamber. An indication of change, however, was his assignment to the Committee on Foreign Relations. Here his only Republican colleague was Seward, the others being Crittenden, Douglas, Polk and Slidell, with the last three of whom Sumner had no personal intercourse. Indeed, he found that in the years of his absence from Washington, the sectional line had come to be drawn with much greater severity in social relations, so that for the most part representatives of the two sections met only as their official duties required.

These years had seen long steps taken toward the great crisis which in some form was felt to be imminent: in the Dred Scott case the Supreme Court

had set the seal of its approval upon the repeal of the Missouri Compromise; free-state men in Kansas had secured control of the territorial legislature and had rejected admission to the Union on the Lecompton Constitution; Douglas had effectively divided the Democratic party, first by forcing the Kansas-Nebraska issue, and secondly by consistently opposing the thrusting of a pro-slavery constitution upon Kansas, against her will. Douglas was now fresh from the great debate-campaign in Illinois, from which he had wrested a reëlection to the Senate, but at the cost of admissions and concessions that were to blast his hopes for the presidency. The Southern leaders, seeing the North outstripping them, had been planning for the acquisition of Cuba to restore the balance; since that project failed, their old threats of disunion took on new force and definiteness.

Following the advice of physicians and friends, Sumner declined urgent invitations to address public gatherings and kept out of the Senate debates. The one absorbing topic of discussion soon became the choice of presidential candidates. Congress was still in session when the Democratic national convention met at Charleston and ended in disruption over Douglas's candidacy, and when the Republicans in Chicago passed over Seward and Chase to nominate the less-known Lincoln, with his better chance of carrying the doubtful states of the West.[1]

[1] On the first ballot, one delegate—from Kentucky—voted for Sumner.

Sumner, as usual, had been slow to commit himself or to give advice as to the selection of the standard-bearer, only insisting that no one ought to be chosen who was not "emphatically, heart and soul, life and conversation, a representative man, . . . an old and constant servant of the cause."

While these decisive choices were being made, Southern leaders in Congress were taking more advanced ground as to slavery than ever before. Not only did they now assert that the institution was a positive good, beneficial to the black and ennobling to the white, but they sought by threat of secession to exact from Congress the most definite guarantees. Thus, Jefferson Davis's resolutions, affirming the sanctity of slave property in the territories, were passed by a vote of two to one.

It was under these circumstances that Sumner determined to attempt in the Senate an attack upon slavery such as had never been ventured in Congress. For months he had been marshaling his material for this speech, to which he had given the title, "The Barbarism of Slavery." The bill for the admission of Kansas as a free state was pending. As this would entitle Kansas to six votes in the coming election, there was not the slightest possibility that the Democratic majority would allow the bill to pass at this session, but the debate upon it gave opportunity for a number of senators to express their views. Sumner took the floor on the morning of Monday, June 4th. Not yet certain of his strength, he had his speech in type. It was the first time

since the assault, more than four years before, that he had thus formally addressed the Senate.

At the outset he disclaimed having any personal griefs to utter or personal wrongs to avenge, adding, "The years which have intervened and the tombs that have opened since I spoke, have their voices, too, which I cannot fail to hear." He then declared his intent to lay bare the true character of slavery in its social, moral and economic as well as political aspects. He proceeded to set forth its barbarism, in degrading a human being into a chattel, in its pernicious effects upon marriage and the relations between parent and child, in shutting to the slave the door of moral and intellectual life, and in its exploitation of the slave's labor. These, he showed, were all features essential to slavery, here lacking many of the alleviations that had gathered about other forms of servitude. He next presented, with a convincing particularity of statistical detail, the practical effects which slavery had had upon the Southern states in their slow growth in population and in wealth, in their dearth of inventions and internal improvements, in their scanty development in education, etc. A humiliating exhibition was made of the brutalizing effects upon the masters. He insisted, as he had repeatedly done before, that the Constitution afforded no recognition of property in a human being, and held up to ridicule Douglas's "popular sovereignty" dogma as a "device of politicians."

The speech lasted four hours and over. There

was no attempt at interruption, but many of the Southern senators, as if by prearrangement, showed contemptuous indifference, walking about the chamber and engaging in boisterous conversation, apparently with a childish intention of annoying the speaker. At its close, Chestnut of South Carolina put himself forward as the spokesman of the Southern members: "After ranging over Europe, crawling through the back-door to whine at the feet of British aristocracy, craving pity, and reaping a rich harvest of contempt, the slanderer of states and men reappears in the Senate. . . . It has been left for this day, for this country, for the Abolitionists of Massachusetts, to deify the incarnation of malice, mendacity and cowardice. . . . We are not inclined again to send forth the recipient of punishment howling through the world, yelping fresh cries of slander and malice." [1] Sumner's only rejoinder was that he should print Chestnut's reply as another illustration of the barbarism to which he had just been alluding.

This was the last speech of any moment on slavery delivered in Congress and, with "The Crime against Kansas," stands to-day as comprising the most thorough setting-forth of the indictment against American slavery ever made. Several of Sumner's friends insisted on escorting him to his lodgings, and for

[1] He condensed into two minutes, says Von Holst, "so enormous an amount of brutal and venomous vulgarity . . . that the annals of Congress, rich as they are in such material, have nothing to match them."—*Constitutional History of the United States*, Vol. VIII, p. 203.

some time thereafter, quite to his annoyance, they kept guard over his apartment at night.

Among most of Sumner's Republican colleagues and friends there was grave doubt as to the wisdom and timeliness of this "assault on American slavery all along the line." It was on the eve of a presidential election, and many feared that voters who were not of pronounced anti-slavery principles would be repelled by having this issue thrust into such offensive prominence. But Sumner never could be brought to govern his actions according to the party expediency of the moment. To him, the slavery issue was the all-dominating moral question of the age, to be incessantly forced upon public attention until it should be settled aright. And, in fact, it may be doubted whether now, as on earlier similar occasions, Sumner did not prove the more far-sighted politician. His address was printed entire, in enormous editions in all the leading newspapers, and pamphlet editions of it were spread broadcast by the National Republican Committee. Hundreds of private letters as well as general comment in Republican journals approved the steadfast, uncompromising tone of the speech, and in the campaign of the next few months it was found that this was the note which called out the most responsive enthusiasm. Soon after the end of the session, at the invitation of the Young Men's Republican Union, Sumner addressed an audience of three thousand in the Cooper Institute upon "The Origin, Necessity and Permanence of the Republican Party." It was

a brilliant triumph. The speaker's voice and strength seemed fully restored and from the beginning to the end he held his hearers in complete sway. At the Republican state convention in Worcester, for the first time in six years he appeared before his own constituency, and aroused the delegates by his denunciation of the Douglas "popular sovereignty dodge," and by his expressions of cordial confidence in Lincoln. The night before the election, he presided at a great Republican gathering in Faneuil Hall, and thrilled his hearers by the prediction that Republican victory on the morrow would make "not only a new President, but a new government."

Sumner yielded to none of the urgent demands for his services as a campaign speaker outside of his own state, trusting to the wide circulation of his two recent speeches to spread his views. In the autumn, he prepared, for the Lyceum platform, an eloquent address on Lafayette. He had recently visited scenes associated with the French patriot and was fitted both by information and temperament to give an appreciative tribute to the man. But, in accordance with his frequent practice, he made his subject almost secondary to the political issue of the hour, for the points which he thrust into greatest prominence were Lafayette's "constant testimony against American slavery" and his life-long devotion to liberty. This address was delivered four times in cities of New England, and in New York and Philadelphia, and many a man to-day re-

calls the thrill with which, as a youth, he listened to that inspiring oration.

American history has known no more critical period than the months between the November election and Lincoln's inauguration. These three months of an outgoing administration,—always a season of weakness, especially when a change of party is impending,—were then filled with the gravest uncertainties. Many courses seemed possible, yet choices apparently trifling might involve the fate of the nation.

Southern leaders had been making their plans far ahead, and had determined upon their course in the not improbable event of Lincoln's election. But Northern men were now surprised and aghast to find that disunion, so long threatened, was rapidly being carried into effect. Straightway there came forward in the North men who justified secession as a constitutional right. A feeling of panic at the thought of the break-up of the Union quickly spread, and every sacrifice seemed necessary in order to avoid that catastrophe. In Boston, as in other large cities, this feeling showed itself immediately in antagonism to open discussion of anti-slavery measures. Mobs broke up anti-slavery meetings, and the Boston *Courier* said in a leader: "Nor do we believe that our people will listen hereafter to the fierce tirades of Phillips and his crew, to the empty platitudes of Sumner, or the insolent bravado of Wilson."[1]

[1] December 4, 1860.

Meantime Buchanan was waiting upon events,—events which Southern members of his cabinet were shaping to the advantage of the South. In the midst of all this uncertainty, men of undoubted patriotism sought anxiously for the course which would ward off impending civil war. At the distance of half a century the student of history must seek to realize how impenetrable then was the future; nor must he deny patriotic motives to many a proposition which, in the clear light of the after-event, seems doomed from the first to prove futile if not fatal. Greeley was ready to bid the slave states "go in peace"; Phillips vehemently asserted their right to secede; General Scott busied himself with elaborate schemes for the peaceful division of the United States into four confederacies; and many influential men at the North were outspoken in favor of formal guarantees being given of the rights of slave-owners to take their slaves into the territories and hold them.

Congress had hardly met when compromise measures began to be proposed, the most favored scheme being that of Crittenden, which had as its cardinal features the prohibition of slavery north of 36° 30′, but its distinct recognition and protection by territorial governments south of that line; the prohibition for all future time of any amendment to the Constitution giving Congress power to interfere with slavery in the states; the disfranchisement of free negroes in all the states; and the enforcement of the law against the African slave-trade. Seward de-

clared that two-thirds of the Republican senators were "as reckless in action as the South," and intimated that he felt himself commissioned to be the reconciler. In January, at the end of an elaborate speech, he presented his remedies: the organization of territories and the admission of states without conditions as to slavery; an irrevocable constitutional amendment prohibiting interference by Congress with slavery in the states; and a convention to revise the Constitution. Even Charles Francis Adams, hitherto one of the most loyal of the Free Soil men, now showed hesitancy and an inclination to accept Seward's proposals.

In the midst of all this uncertainty and compromise, no man evidenced a clearer vision of the future or a more steadfast purpose in the present than did Sumner. To Howe he wrote on January 17th: "I trust that Massachusetts continues unseduced by any proposal of compromise or concession, in whatever form or name. My best energies have been devoted to keep our men firm, *firm*, FIRM." A few days in advance of its delivery, Seward read his speech to Sumner, who "protested with his whole soul" against its compromise proposals. Beset by a member of the House with the question what "concession" he was ready to make, Sumner replied: "There is one: I will consent to be silent yet a little longer." [1] From

[1] Sumner and the other radicals, both in the Senate and in the House, also sat silent and offered no word of protest to the passage at this session of the bill for the organization of the terri-

time to time, in the course of the debates, he made his attitude plain, but he held himself back from speaking his full mind because he felt that he "could say nothing which would not be perverted by compromisers as an attempt to widen the breach." He alone of the Massachusetts delegation in Congress opposed the state's being represented in the peace conference which met at Washington in February and endorsed compromise measures similar to those of Crittenden. Sumner early came to believe that war was inevitable, and that its issue was to be decided only after a long and bitter contest. Yet he never doubted that the Union would triumph, his confidence being based upon his belief "in a world governed by moral law." To Whittier he wrote: "People are anxious to save our forts, to save the national capital; but I am more anxious to *save our principles*, which leaders now propose to abandon as Mr. Buchanan proposed to abandon Fort Sumter." He earnestly besought Massachusetts leaders not to

tories of Colorado, Dakota and Nevada, without any mention of slavery, "thus giving the South the benefit of the Dred Scott decision therein." Blaine discusses this "extraordinary change of position" at some length. "Between the words of Mr. Seward and Mr. Sumner in the one crisis and their votes in the other, there is a discrepancy for which it would have been well to leave on record an adequate explanation. The danger to the Union, in which they found a good reason for receding from the anti-slavery restriction on the territories, had been cruelly denied to Mr. Webster as a justifying motive. They found in him only a guilty recreancy to sacred principle for the same act which in themselves was inspired by devotion to the Union." —*Twenty Years of Congress*, Vol. I, pp. 269–272.

yield a jot in the way of modifying the personal liberty laws, and it is thought that it was his influence by which the legislature was persuaded. He believed that the very inordinateness of the Southern demands would make it next to impossible to appease them. "If they asked less, we should be lost."

While for the most part keeping out of the debate, he did read in the Senate with great effect a theretofore unpublished letter of Andrew Jackson, of May, 1833, when the nullification controversy was fresh in mind, in which this Southern Democrat declared that "the tariff was only the pretext, and disunion the real object," and that "the next pretext will be the negro and slavery question."[1] Again he spoke to the point, when Massachusetts' attitude was brought in question. A "Union" meeting, held in Boston, had endorsed the Crittenden Compromise, and a committee came to Washington to urge its adoption, as advocated by the formal vote of the Boston City Council and by a petition signed by 23,000 Massachusetts citizens. Everett and Lawrence waited upon Sumner and begged him to support it, but found him unyielding.[2] When the petition, wrapped in the Ameri-

[1] *Works*, Vol. V, pp. 433–436.

[2] With them came "a large number of the most conspicuous citizens of Boston, all of whom had been among his strongest and most positive political opponents." They expressed at length their confidence in him as the one man who could do most to save the country in its present peril. "We implore you, Mr. Sumner, as you love your country and your God, to vote for the Crittenden Compromise." "Sir," said Charles

can flag, was presented by Crittenden, Sumner spoke briefly, declaring that the propositions therein contained went "beyond the Breckinridge platform, already solemnly condemned by the American people in the election of Abraham Lincoln," and asserted that the petitioners could have signed the measure only in ignorance of its real character. This was resented by the Boston City Council, which declared the statement "undignified, unbecoming a senator and a citizen of Boston, and untrue"; yet Sumner received many letters, some even from signers, who acknowledged that his words were entirely just.[1]

Of all the Republican leaders, Sumner found himself most in accord with Chase, who started the watchword, "Inauguration first, adjustment afterward;" and he also drew encouragement from Lincoln's declaration that the Republican party should not with his assent become "a mere sucked egg, all shell and no meat,—the principle all sucked out." He was often consulted by Stanton and the other loyal members of the cabinet as to the preliminaries to the inauguration. In the Senate, which met immediately after Lincoln's taking the

Sumner rising to his lofty height, and never more Charles Sumner than at that moment, "if what you say is indeed true, and if at this moment the North trusts me, as you think, beyond all others, it is because the North knows that under no circumstances whatever would I compromise."—G. W. Curtis, *Orations*, Vol. III, pp. 225–226.

[1] John M. Forbes declared: "One young rascal complained loudly that 'he hadn't a chance to sign it only fourteen times.'"

oath of office, the Republicans found themselves in majority, and hence in control of the committees. Nine years before, Bright of Indiana—soon to be expelled for treason—had explained the exclusion of Chase, Hale and Sumner from the committee list by saying that they were "outside of any healthy political organization." It was noted as a matter of poetic justice that it now fell to this same man to move the report of the committee list which had been agreed upon by the two parties. Old-time Free Soilers now came to their own. Sumner was named chairman of the Committee on Foreign Relations, and a member of the Committees on Private Land Claims and on Patents. His chairmanship was a position exceedingly congenial to him, and one in which his thorough grounding in international law, his unrivaled knowledge of European politics and acquaintance with European public men placed him where he could be of incalculable service to his country. For eight years he was to work for the most part harmoniously with Seward as Secretary of State, although from now on they had little sympathy with each other's views upon the most important questions of domestic policy.

Years in advance of the time when reform of the civil service commanded public attention, Sumner attempted, as far as his influence would permit, to put its principles in practice. He urged the retention of faithful and competent officers and the disregard of proportional distribution of offices where it hindered efficiency. So far as the appoint-

ments which fell to Massachusetts were concerned, Sumner took the list, which had been agreed upon by the delegation while in Boston, to the President, and urged that these appointments, while not ideal, should be made forthwith, in order that the whole question might be taken out of discussion when so much more vital matters needed attention; and this was done. Sumner's weakness in his own selections for office usually lay in his overweighting literary ability as a qualification. Personal favoritism could never justly be urged against his candidates; service in the anti-slavery ranks counted for much with him. It was this that led to his naming Palfrey for postmaster of Boston, and to his earnest but unsuccessful efforts to secure the appointment of Howe as Minister to Greece.

Before Sumner started for Boston at the end of the session, Sumter had fallen, and Lincoln had issued his first call for volunteers. Upon his way North, Sumner stopped for the night in Baltimore, but when it became known that he was in the city, a riotous mob gathered. The proprietor of the hotel where he had taken a room, alarmed for his property if the anti-slavery leader should be discovered under his roof, demanded that he leave at once, but Sumner insisted upon the rights due a guest, and was accordingly lodged for the night in concealment. The next morning, on his way to Philadelphia, Sumner met a train filled with rollicking soldier boys: it was the Sixth Regiment of Massachusetts, forty of whose members were that

very day to be killed or wounded in the streets of Baltimore by a secession mob, such as had hunted him as its first victim ; and after this, their first day of battle, these soldier boys were to be quartered for the night in the Senate chamber at Washington. In New York Sumner visited the armory where a battalion of Massachusetts Rifles were quartered. His words to them were a clarion call to battle for "Massachusetts, the Constitution and Freedom." The time had come when even the author of "The True Grandeur of Nations," with all his heart and soul, could bid men Godspeed in such a war !

CHAPTER XIII

WAR PROBLEMS: THE TRENT AFFAIR

CONGRESS met in special session on the Fourth of July, 1861. A week before its opening, Sumner wrote to Lieber that he had proposed to the President and his cabinet a programme of legislation, which should include an army bill, a navy bill, a bill for a loan and war taxes, a bill for treason, and a bill of embargo and non-intercourse. He added that he hoped this would be carried out "without a single speech, or one word of buncombe, so that one short session may be a mighty act." It is significant both of the consideration already shown Sumner and of his growing sense of his own importance, that he should have put before the administration such a comprehensive programme.

In the early months of the war great pains were taken to disclaim any anti-slavery purpose, and where officials, civil or military, had taken action which seemed to commit the administration to any such policy, it was promptly disavowed. The preservation of the Union was the one ground on which Lincoln wished to base his conduct of the war. In diplomatic as well as in domestic correspondence, Seward repeatedly asserted that the status of slavery would remain unchanged, whatever the outcome of the insurrection.

From the outset, Sumner and many of the other radical anti-slavery leaders believed that this policy was a most unfortunate mistake. They recognized, however, that, with a view to keeping in touch with the border states and with the great mass of Republicans whose chief interest was not in the anti-slavery movement but in the preservation of the Union, it was best not to force the issue prematurely.[1] But the disaster at Bull Run brought a great awakening; George Sumner greeted the news with jubilation confident that at last the administration and the public would be aroused to the magnitude of the task before them.[2]

As early as May of that year, Charles Sumner had broached the subject of emancipation to the President, and urged him to be prepared to strike when the proper moment arrived. He now besought him to come out openly against slavery. This the President was not ready to do, though he carefully weighed Sumner's arguments, particularly his contention that the disavowal of any humanitarian motive was making the war seem one merely for power, and was greatly weakening the Union cause in the eyes of European nations, whose sympathy we should do nothing to estrange.

[1] It was doubtless this conviction which induced Sumner—and Thaddeus Stevens and Owen Lovejoy, in the House—to abstain from voting upon the Crittenden resolution declaring that the war was not waged "in any spirit of oppression, or for any purpose of conquest or subjugation, or the overthrowing or interfering with the rights or established institutions of those states," —Blaine, *Twenty Years of Congress*. Vol. I, p. 341.

[2] *Autobiography of Andrew D. White*, Vol. I, p. 88.

In October Sumner, upon his own responsibility, took a decided step. At the Massachusetts state Republican convention at Worcester, he made a brief speech in which he insisted that slavery was the sole cause and the main strength of the rebellion, and that it should therefore be struck down by every power at the government's command. Said he: "It is often said that the war will make an end of slavery. This is probable, but it is surer still that the overthrow of slavery will make an end of the war. . . . A simple declaration that all men within the lines of the United States troops are freemen will be in strict conformity with the Constitution and also with precedent. The Constitution knows no man as slave. . . . There is a higher agency that may be invoked, which is at the same time under the Constitution and above the Constitution,—I mean martial law, in its plenitude, and declared by solemn proclamation." He cited John Quincy Adams as authority for the power to emancipate slaves by martial law. While not assuming to say that the hour for such action had come, he did declare that "there are times when *not to act* carries with it greater responsibility than to *act*."

In this speech for the first time an American statesman openly and boldly advocated the policy of emancipation. His words made a profound impression, but an attempt to secure an endorsement of the recommendation in the convention's resolutions showed that there was much opposition. To veteran Free Soilers this call for an end of "the policy of

forbearance" toward slavery was most welcome. But to those of more conservative temperament and traditions, it seemed incendiary. Boston journals, as usual, were especially denunciatory, referring to Sumner's "insane counsels" and speaking of him as a "candidate from an insane asylum." "Proclaim the policy of emancipation," said one, "and all hope of reconstruction of the Union will be crushed out." Eight years later, however, one of these Boston editors, who had ever been severely critical of Sumner's politics, wrote: "I am struck with wonder at the clear comprehension which you had of the magnitude of the war at the beginning, and of the true and only means by which it could be conducted to a proper termination. Your speech reads to-day like a sacred prophecy. For it you were assailed; but it was true, nevertheless, and the country came at length to your defense by adopting your statesmanship." [1]

A few weeks later great enthusiasm was aroused in Boston, New York, Philadelphia and other cities by an address on "The Rebellion, its Origin and Mainspring," in which Sumner elaborated and enforced the points of his Worcester speech. With tremendous force he denounced slavery as the sole cause and support of the war, and insisted that emancipation was a military necessity. "In no way can we do so much at so little cost. To the enemy such a blow will be a terror; to good men it

[1] William Schouler, Feb. 18, 1869. Quoted by Pierce, Vol. IV, p. 46.

will be an encouragement; and to foreign nations watching this contest it will be an earnest of something beyond a mere carnival of battle."

From this time on, in season and out of season, in the Senate, in public addresses, in conference with the President and with public men, Sumner never ceased to urge emancipation. In the midst of all the wavering and uncertainty, his steadfast adherence to this policy, at first deemed revolutionary, but soon recognized as inevitable, was one of the most potent influences in preparation for that ultimate resort.

In the summer of 1861 the Northern arms seemed to make no progress. There was deep depression at home, while abroad the belief was becoming fixed that the Union was already dissolved. It was in these days of gloom that an event took place which wrought the whole country to the highest pitch of excitement, and bade fair to involve the gravest consequences. On the 8th of November, Captain Wilkes of the United States naval-ship *San Jacinto* boarded the British steamer *Trent* between Havana and Nassau, two neutral ports, and seized Mason and Slidell, with two secretaries and despatches. These men, who had been duly accredited as envoys of the Confederate States to England and France respectively, were brought to the United States and placed in confinement. This exploit was hailed with wild enthusiasm throughout the North. The Secretary of the Navy declared that Captain Wilkes's act was "marked by intelligence, ability, decision

and firmness, and has the emphatic approval of this department."

It is asserted that at first "no man was more elated and jubilant over the capture of the emissaries than Mr. Seward." [1] Indeed, of all the members of the cabinet, Postmaster-General Blair was the only one who is known to have taken an opposing view at the outset.[2] At the opening of Congress, the very first act of the House of Representatives was by unanimous resolution, without even reference to a committee, to commend Captain Wilkes's "brave, adroit, and patriotic conduct." The press and public men, with few exceptions, joined in the chorus of jubilation and praise. Sumner was still in Boston when he heard of the envoys' capture. Without a moment's hesitation he declared, "We shall have to give them up." From that opinion he never wavered, for he knew both the law of nations

[1] Seward's most recent biographer does not deny that this was probably the line of the Secretary's first opinion and impulses. He points out that Seward was most likely to regard political results as of prime consideration. He at this time believed England and France to be on the point of intervening, and was putting forth his best efforts to remove all causes of friction. The *Trent* seizure was totally unexpected and counter to the diplomatic plans of the administration. "His habitual tenacity of purpose was likely to hold him to his policy of avoiding a war. But there was the popular applause of Wilkes; and it always made Seward very unhappy to find that the people were against him, unless he felt confident of quickly winning them back to his side. In such circumstances the shrewd politician tries to wear a complacent look while he waits until compelled to decide."—Frederic Bancroft. *The Life of William H. Seward*, Vol. II, pp. 232–233.

[2] Welles, *Lincoln and Seward*, pp. 186–187.

and the temper of the British government and public. From his correspondence he was well aware that in England public opinion was now very favorable to the South and that probably a large majority in the House of Commons would be "glad to find an excuse for voting for the dismemberment of the great republic."[1] Sumner's belief that the British government would promptly resent the seizure was speedily justified: a suitable apology and the surrender of the four men was immediately demanded, and the British minister received private instructions, in case these demands were not complied with, to end all diplomatic relations with the United States and take other measures looking directly toward war. The gravity of the situation was further indicated by the despatching forthwith of some 8,000 troops to Canada and by preparations to strengthen the English fleet in American waters.

Upon reaching Washington, Sumner was relieved to find that the seizure had been absolutely unauthorized and that the President had grave misgivings as to the capture, despite the almost unanimous approval of it in his cabinet and throughout the country.[2] In the Senate Sumner did his best to prevent

[1] Morley's *Life of Cobden*, Vol. II, pp. 388–390.

[2] The President's doubts and misgivings, Welles declares, were "increased after an interview with Senator Sumner, with whom he often—sometimes to the disgust and annoyance of Mr. Seward—advised on controverted or disputed international questions, and especially when there were differences between himself and the Secretary of State."—*Lincoln and Seward*, p. 185. Pierce asserts: "Such was his confidence in Sumner's judgment that he sometimes struck out passages from the Secretary's

debate upon the question, which might embarrass the administration. On Christmas Day Lincoln called a special meeting of his cabinet, not to exchange holiday greetings but to consider anxiously the issue of peace or war. To this grave council Sumner also was bidden; he took part in its deliberations, and read letters relating to the seizure, which he had just received from America's best friends in England, Cobden and Bright.[1] No doubt remained that the act of Wilkes must be disavowed. The very next day Seward informed the British minister, with suitable expressions of regret, that the envoys would be given up, and the incident, so far as it involved any threat of war, was closed.[2]

But among the people at large the affair left a feeling of humiliation that the American government should have disavowed and apologized for a brave act of undoubtedly patriotic intent, which had been everywhere hailed with delight. In avoiding war with England, the administration had

despatches to which the senator objected." Vol. IV, p. 52, n. 4. Lincoln used often to consult Sumner "as the barometer of the nation's conscience."—G. S. Merriam, *Life and Times of Samuel Bowles*, Vol. I, p. 346.

[1] Sumner did not doubt that the refusal to give up the envoys would mean war with England, the disastrous consequences of which he clearly forecast in his letter to Lieber of December 24th. Pierce, Vol. VI, p. 58. Of great importance is the painstaking account of the "*Trent* affair" in Rhodes, Vol. III, pp. 521–543, with its extensive quotations from letters of Bright and Cobden and Sumner, and from leaders in English newspapers.

[2] How reluctantly even the President accepted the necessity of releasing the envoys is indicated by quotations from Bates's diary in Nicolay and Hay, Vol. V, p. 36. See also Bancroft's *Life of Seward*, Vol. II, p. 235–253.

chilled loyalty at home.[1] Two weeks later, accordingly, when the correspondence in regard to the "*Trent* Affair" was under discussion in the Senate, Sumner made a tactful and comprehensive speech. While tacitly exposing some of Seward's grave errors in international law, he not only explained and justified the surrender on the ground that since the envoys were not in military service, neither

[1] Mr. Frederic Bancroft frankly acknowledges that at first Seward did not know that Wilkes's act was contrary to international law. He characterizes his final reply to Earl Russell as "the most studied and elaborately adroit paper that ever came from Seward's pen." Its full text is to be found in Sen. Ex. Doc. No. 8, 37th Cong., 2d Sess. By vague and disjointed citations from authorities in international law, by "assuming an analogy where there was none, and then using his false assumption to support his contention," Seward "made it appear that Mason and Slidell were contraband of war, and that therefore Wilkes was justified in capturing them"; but he declared that "by releasing the *Trent* instead of bringing her into port for judical examination and condemnation, Wilkes let slip the only chance of obtaining a legal justification for the seizure." He even had the "sheer impudence"—as Bancroft calls it—to assert that "if the safety of this Union required the detention of the captured persons, it would be the right and duty of this government to detain them,"—a pretense very consoling to public sentiment in America, for which it was mainly intended, but which Earl Russell, in his reply, indicated Great Britain would under no circumstances have tolerated. Bancroft discusses at length the "remarkable absurdities" involved in Seward's course, particularly in his subordination of the principles and steady practice of the United States, "which favored increasing the rights of neutrals and restricting belligerent interference," and in his now resting his whole argument on the fact that the Confederates were belligerents, "after constant declarations, during eight months, that they were not belligerents, but insurgents."

In politician's fashion, he made the release which had been shown to be inevitable. But the judgment of Hamilton Fish is not too severe: "We might and should have turned the

they nor their papers were contraband of war or liable to seizure, but he went further and laid much stress upon the point that the seizure had been in violation of long-declared American principles, while in resenting it Great Britain had rejected her own precedents.[1] In the words of George William Curtis: "He had silenced England by her historic self. He had justified America by her own honorable precedent." In a letter to Bright, written on

affair vastly to our credit and advantage; it has been made the means of our humiliation." Pierce, Vol. IV, p. 54. The situation from the outset had been made more strained by the belief prevalent in England that Seward was hostile in his attitude toward that country, and not to be trusted. Cobden wrote to Sumner: "I confess I have as little confidence in him as I have in Lord Palmerston. Both will consult buncombe for the moment without much regard, I fear, for the future." In citing these words, Mr. Rhodes adds: "We may, I think, accept as faithful this characterization." Vol. III, p. 533. Years later, J. M. Forbes wrote to Sumner: "History, I am sure, will give the verdict that we got through without foreign intervention not in consequence of Seward's management but *in spite of it*. His foreign policy was as short-sighted, empirical, and unstatesmanlike as his sixty-day compromising, woodcocking home policy. But for the present '*nil nisi bonum*' must I suppose be the word about the *wiley* secretary." April 17, 1869. Sumner Correspondence, Harvard Library.

[1] Blaine dissents strongly from the grounds upon which Seward placed the surrender of Mason and Slidell, and declares: "The luminous speech of Mr. Sumner . . . stated the ground for which the United States had always contended with admirable precision." He shows clearly how flagrant and frequent had been England's offenses against the principles for which she now contended.—*Twenty Years of Congress*, Vol. I, pp. 585–587.

Although the Foreign Secretary, Earl Russell, made prompt demand that "the seizure be disavowed, and the prisoners set free and restored to British protection," there is evidence that this official despatch did not represent the private opinion of Lord Palmerston, the Prime Minister. It had been anticipated

the very day of the speech, Sumner frankly acknowleged that he had perhaps overemphasized this point, but added: "My earnest desire was to do something for peace; but I was obliged to arouse the patriotism and self-respect of my own countrymen by associating the surrender with American principles." Sumner's influence had undoubtedly

that an attempt might be made in the British Channel to seize the envoys, and on November 11th, before it was known in England that the seizure had already been made on the other side of the Atlantic, the Prime Minister and six other prominent officers of the government came together to determine what the British government could properly do in such an event. In a letter to J. T. Delane, editor of the London *Times*, on the very day of this conference, Lord Palmerston explains the conclusion to which they came: "Much to my regret, it appeared that, according to the principles of international law laid down in our courts by Lord Stowell, and practiced by us, a belligerent has a right to stop and search any neutral not being a ship of war, and being found on the high seas and being suspected of carrying enemy's despatches; and that consequently this American cruiser might, by our own principles of international law, stop the West India packet, search her, and if the Southern men and their despatches and credentials were found on board, either take them out or seize the packet and carry her back to New York for trial. Such being the opinion of our men learned in the law, we have determined to do no more than to order the *Phaeton* frigate to drop down to Yarmouth Roads and watch the proceedings of the American within our three mile limit of territorial jurisdiction, and to prevent her from exercising within that limit *those rights which we cannot dispute as belonging to her beyond that limit.*"

This is a strikingly frank avowal that the act for which his ministry was about to demand reparation (probably out of regard for popular sentiment in England, which had been enraged by the seizure) was indisputably justified by English precept and practice; and that these British precedents (as soon proved in the *Alabama* controversy) were likely to prove much in need of reversal. This letter is reprinted in full in *Outlook* (N. Y.), Jan. 30, 1909, p. 251.

been the most potent both in effecting a peaceful solution and in reconciling the American people to the inevitable surrender. His strong and intelligent handling of this difficult case, in which impulse and ignorance of international law had threatened such momentous consequences, greatly increased his prestige, particularly with the conservative classes, heretofore inclined to distrust him. Publicists of eminence warmly commended his speech. It was declared "the best thing for Sumner's popularity and reputation he has done." The address had had no more unprejudiced or keenly interested listeners than the representatives of foreign governments who thronged the diplomatic gallery in the Senate. Said one of the most accomplished of those diplomats: "I have considered Mr. Sumner a doctrinaire; henceforth I recognize him as a statesman." [1]

During the summer of 1862 not a week passed that Sumner did not call once or more upon the President to urge him to move directly against slavery; [2] he insisted that the putting forth of an edict of emancipation on the Fourth of July would make the day more sacred and historic than ever. Lincoln replied: "I would do it, if I were not afraid that half the officers would fling down their arms and three more states would rise." He told Sumner

[1] G. W. Curtis, *Eulogy of Sumner*, p. 162.

[2] "Many a time I saw Sumner restlessly pacing up and down in his room and exclaiming with uplifted hands: 'I pray that the President may be right in delaying. But I am afraid, I am almost sure, he is not. I trust his fidelity, but I cannot understand him.'"—Carl Schurz, *Reminiscences*, Vol. II, p. 314.

early in the session: "You are only a month or six weeks ahead of me." Sumner repeatedly declared himself so opposed to war that he never would have favored beginning a conflict for the abolition of slavery, but from the time when the South brought it on, his conviction never could be shaken that the war could not end and ought not to end without ending slavery also. Lincoln, with his graver responsibilities, saw more clearly than did Sumner the necessity of proceeding with caution, particularly with a view to retaining the loyalty of the border states. During the session he discussed with Sumner his favorite scheme for gradual and voluntary abolition, with compensation from the national treasury. Sumner frankly avowed his distrust of the practicability of the measure, but he did not antagonize it in the Senate. Meantime the President was coming to the view which Sumner had long been urging upon him, and September 22d —probably as early as it was justified—he issued the Proclamation of Emancipation, which was to become effective on New Year's Day in the states still in revolt. No man in the country had done more than Sumner to prepare public sentiment to approve and to support this vitally important act.

Upon two diplomatic negotiations relating to slavery Sumner exercised great influence. The first of these was the treaty between the United States and England, which made effective the suppression of the slave-trade by the institution of a mutual right of search and mixed courts. Sumner was

present when the treaty was signed, and upon his speech, accompanying the report from his committee, the Senate ratified it without dissent. Both Seward and the British minister were exultant, and highly appreciative of Sumner's coöperation. After much opposition, he was able to effect the passage of a bill for the accrediting of representatives from the United States to Hayti and to Liberia;[1] a few years later he was instrumental in securing similar diplomatic recognition of the Dominican Republic.

In this session Sumner for the first time was able to see some progress made along lines of legislation against slavery which he was incessantly urging. One such law embodied his proposal that the employment of the army in the surrender of fugitive slaves be prohibited. The session had hardly begun, when he attacked the slave code of the District of Columbia. This, "the first open word against slavery in the District since the break-out of the rebellion," was intended to help toward its abolition in the shadow of the Capitol, and such a result was accomplished before the end of the session by a law of which Wilson was the especial champion. The President felt doubtful as to certain provisions of this bill; while he was hesitating whether to sign it

[1] Ten years later his continued services to Hayti were recognized by the award of a medal, and an order that his portrait be placed in its Capitol. In a courteous letter Sumner expressed his appreciation of this recognition, but declined to accept the medal, on the ground that it was not permitted under the Constitution. The Haytian authorities accordingly presented it to the Commonwealth of Massachusetts, and it is now deposited in the state library.

or not, Sumner said to him: "Do you know who at this moment is the largest slave-*holder* in this country? It is Abraham Lincoln; for he holds all the 3,000 slaves of the District, which is more than any other person in the country holds." Sumner seized every opportunity to advocate the repeal of the Fugitive Slave Law. He both spoke and voted against the bill by which the state of West Virginia was established, his opposition being grounded on the fact that that law provided for gradual instead of immediate emancipation.[1]

It was during this session that Sumner began two contests which were to absorb most of his energies for the rest of his life. The first of these was his struggle to secure for all citizens of the United States, regardless of color, equality of civic rights. His present project was to make it possible for colored persons to act as witnesses in Federal courts and as carriers of the mail. The second subject which he thus early was one of the first to urge upon the attention of Congress, was the problem of reconstruction. On February 11, 1862, he introduced a series of resolutions in which he declared that the seceded states "had abdicated all rights under the Constitution," or, as he phrased it a little later, had committed "state suicide."[2] This celebrated doctrine

[1] Wade and other radical anti-slavery men voted against Sumner on this issue. Blaine, *Twenty Years of Congress*, Vol. I, p. 461.

[2] "Call it suicide, if you will, or suspended animation, or abeyance,—they have practically ceased to exist." Speech in Senate, May 19, 1862. *Works*, Vol. VII, p. 14. McPherson, *History of the Rebellion*, pp. 322–323.

as to the status of the states in revolt was promptly disavowed by prominent Republican leaders in Congress, but it was to play a most important part in debates and legislation of later years. A few weeks later he strongly asserted his view that the initiation and control of reconstruction should be by Congress and not by the President, and that at the instance of the President, the Secretary of War had no right to appoint military governors for seceded states. His opposition placed a check upon this practice, and led to the withdrawal of the offer of the military governorship of South Carolina to Sumner's intimate friend and biographer, Edward L. Pierce.[1]

Although Sumner was one of the most radical anti-slavery leaders in Congress, and although he regarded the rebellion, as he told Gladstone, as "slavery in arms, revolting, indecent, imperious," nevertheless he looked forward to a reunited country, and took more magnanimous ground than any other man in Congress in proposals to prevent the perpetuation of bitternesses arising from the war. In this session he offered a resolution declaring it inexpedient that the names of victories won over fellow-citizens should be placed on the regimental colors of the United States,[2] and three years later he opposed hanging in the Capitol "any picture of a victory in battle with our own fellow-citizens." In both of these matters he was opposed by Wilson,

[1] Pierce, Vol. IV, p. 78, n. 3.
[2] *Works*, Vol. VI, p. 499.

chairman of the Senate Committee on Military Affairs; but Sumner's stand, taken in the midst of the stress of war, accords with the unanimous verdict of a later generation. In the general work of this historic session, Sumner took an active part, speaking with discriminating intelligence on a great variety of subjects, in particular the first of the legal tender acts and the internal revenue tax bill. As to the legal tender act, Sumner accepted the judgment of the Secretary of the Treasury that it was rendered imperative by the exigency of the hour, but added: "Reluctantly, painfully, I consent that the process should issue, and yet I cannot give such a vote without warning the government against the danger of such an experiment. The medicine of the Constitution must not become its daily bread." [1]

In the year 1862, for the only time in his career, Sumner's reëlection to the Senate was seriously threatened. The causes were partly general and partly personal. The lack of success in prosecuting the war had reacted against the Republican administration, so that a coalition of other party elements now stood some chance of making head. Many felt that the war was being made an "abolition war," and that Sumner's influence had been one of the greatest in giving it that direction. His "state suicide" theory had startled conservatives, and these added a small but earnest group to the opposition. It was also charged that Sumner was so devoted to anti-slavery projects that he did not attend

[1] *Works*, Vol. VI, pp 319–345.

to the interests of the commonwealth and of his constituents,—a charge which was easily and completely refuted. But no sooner did this movement to displace Sumner become apparent, than his supporters began to rally. "Jackson, Clay and Webster," says Pierce, "drew to themselves hosts of friends by their personal and intellectual qualities, but Sumner stands almost alone as a public man whose great support was the moral enthusiasm of the people." Hundreds of young voters were now coming to the polls whose first civic awakening and inspiration could be traced to Sumner's Lyceum lectures; his speeches in the Senate and on the stump had been read at the fireside throughout the country; while his fearless championship of freedom and the sufferings he had endured in her service appealed to the chivalrous loyalty of Massachusetts.

It is singular that in two instances Sumner's election was determined by the use of political devices then highly exceptional, but which half a century later accord with the spirit of senatorial elections in the most radical states, in dictating from outside the choice of senator to be made by the legislature. In his first election this was brought about by town-meetings giving instructions to individual members to vote for Sumner. In 1862, his supporters resolved to anticipate the election by securing his endorsement by the convention of the Republican party, which was sure to control the legislature. This making the senatorial election an issue before the convention was without precedent in New England,

though the device had attracted attention as a preliminary to the memorable Lincoln-Douglas campaign in Illinois; in recent years it has reduced the election of senators by the legislatures to a mere formality in most of the Southern states.

In this convention of 1862 the contest came over a resolution expressing approval of the work of both Massachusetts senators, and putting Sumner in nomination for reëlection as "a statesman, a scholar, a patriot and a man of whom any republic in any age might be proud." At every step this resolution was antagonized, in committee and upon the floor of the convention, the lead being taken by the United States District-Attorney, an exceptionally able manager of political meetings; but the attempt to defeat it failed, and the convention finally adopted the whole series of resolutions unanimously. Despite this authoritative endorsement by the party, it was thought best that Sumner enter actively into the campaign. The preliminary Emancipation Proclamation was issued within a fortnight after the holding of this convention. Scorning prudential considerations, which would have kept the slavery issue in the background, Sumner made this proclamation his main theme, in speeches delivered before great audiences in the principal cities of the commonwealth. Vigorous support was forthcoming from Whittier and Phillips, while Greeley's leaders in the *Tribune* emphasized the vast importance to the whole country of the senator's reëlection. This attempt to banish Sumner from public life came to nothing: the legis-

lature carried out the convention's mandate by giving him a vote of 227 to 47 for all other candidates.

At the reopening of Congress, Sumner took a quite prominent part in the movement of Republican senators to persuade Lincoln to dismiss from his cabinet Seward, who, in his diplomatic correspondence, had refused to recognize slavery as a cause of the war or as likely to be affected by its outcome, and who was thought to have been obstructionist in his attitude toward emancipation. His culminating offense was a passage in a diplomatic despatch to Adams, which had recently come to light. A committee of nine, appointed by the Republican caucus, waited upon the President to urge him to "reconstruct his cabinet." To their embarrassment, at their second conference, the committee found that Lincoln had invited the cabinet to meet with them. After prolonged discussion, when Lincoln asked, "Do you, gentlemen, still think that Seward ought to be excused?" despite his many years of intimacy with the secretary and his family, Sumner joined with Grimes, Trumbull and Pomeroy in answering, "Yes"; three declined to commit themselves, one opposed the proposal, and one was absent. The outcome was that Chase, whose dislike and jealousy of Seward's influence had been ill-concealed, now found himself in an exceedingly embarrassing position, and added his resignation to Seward's, which was already in the President's hands. "I can ride on now; I've got a pumpkin in each end of my bag," was Lincoln's comment to a friend.

He prevailed upon both secretaries to resume their positions, but he now held the factions of his cabinet in control, and he had accomplished this without establishing what might have proved a most unfortunate precedent, if he had yielded to the pressure of the senatorial caucus for the expulsion of an unpopular secretary.[1]

In midsummer, 1863, Sumner was rejoiced that one policy which he had urged from the beginning of the war was put into effect in the enlistment of negro volunteers. On the same day was passed an act for the confiscation of the real and personal estate of rebels. Sumner's only interest in this was as a step toward emancipation and the providing of homes for the colored people.[2]

Throughout the war, Sumner rendered invaluable service to the Union as chairman of the Senate Committee on Foreign Relations. Early in this session (January, 1863), when a resolution was introduced condemning French intervention in Mexico, Sumner opposed it vigorously as most ill-timed, calculated to involve us in war with a power which

[1] Bancroft, *Life of Seward*, Vol. II, pp. 364–369; Nicolay and Hay, *Abraham Lincoln*, Vol. VI, pp. 263–272; Welles, *Lincoln and Seward*, pp. 81–85; Pierce, Vol. IV, pp. 110–111, especially p. 111, n. 3, which summarizes Sumner's relations to the several members of Lincoln's cabinet. In the account of this episode in his Diary, Gideon Welles wrote: "Grimes, Sumner and Trumbull were pointed, emphatic and unequivocal in their opposition to Mr. Seward, whose zeal and sincerity they doubted. Each was unrelenting and unforgiving." Dec. 20, 1862. *Atlantic Monthly*, April, 1909, p. 474.

[2] Act of July 17, 1862. Pierce, Vol. IV, pp. 75–77; Blaine, Vol. I, pp. 373–375.

still professed friendship, and sure to give aid and comfort to the enemy at home, who was clearly taxing all the nation's powers. The resolution was then tabled by a decisive vote. But a year later its mover renewed it in more peremptory form, requiring the withdrawal of the French troops within three months. This was referred to Sumner's committee, and here he succeeded in keeping it buried, despite repeated efforts by its mover to get it before the Senate. In the House the corresponding committee was headed by Henry Winter Davis, who ardently supported a resolution which the House adopted by unanimous vote, denouncing "any monarchical government erected on the ruins of any republican government in America, under the auspices of any European power." In the Senate this was referred to Sumner's committee, and there it was kept in innocuous confinement. But the passage of this resolution by the House had already given offense: demands for an explanation were made both by the French minister at Washington and by the Minister of Foreign Affairs at Paris. Seward's replies affronted the dignity of the House and of Davis in particular, who proceeded to introduce another equally dangerous resolution, which passed the House by a narrow majority, only to be smothered, like its predecessor, by Sumner's committee.

In February, 1863, a bill for the granting of letters of marque and reprisal was brought forward, backed by the cordial support of Seward and Chase. Sumner opposed it vigorously as countenancing a pol-

icy which civilization had rejected, and likely in its working to embroil us with foreign powers. The bill passed both Houses and became a law to the great satisfaction of both Seward and Chase. Indeed, "Seward felt this to be something of a triumph over Mr. Sumner, who often came in conflict with his views, and in allusion to whom, when confronted as he sometimes was by the President with the senator's opinions, he remarked, 'There were too many Secretaries of State in Washington.'"[1] Nevertheless, Sumner's opposition did not end. He appealed to the President, addressed an open letter to the New York Board of Trade, and sent leaders to some of the principal papers. Lincoln suggested that he address the cabinet, but Sumner deemed it more becoming that he discuss the matter with them individually. The Secretary of the Navy and several others adopted Sumner's view; the President summoned him to a conference where they went over the whole matter of privateering reprisals. It is Welles's testimony that this interview, together with a conference between the President and himself in regard to the only application which had been filed under the act, "terminated the privateering policy, and closed the subject of letters of marque and reprisal during the rebellion."[2]

The hope that foreign nations, particularly France or England, would intervene, was a constant encouragement to the Southern leaders, and Sumner,

[1] Welles, *Lincoln and Seward*, p. 154.
[2] *Ibid.*, pp. 145–164.

with the purpose of doing "something to lift the tone of our foreign relations," now determined that the attitude of the United States toward such intervention ought to be made clear. After much difficulty he succeeded in carrying through his committee a series of resolutions which declared foreign mediation unreasonable and inadmissible in domestic controversies; asserted that any effort by a foreign government to hinder the suppression of the rebellion was an encouragement of it, and if repeated would be considered an unfriendly act; attributed to the hope of foreign intervention the vitality of the rebellion; and deplored the fact that the leaders of the revolt had not been given to understand by foreign powers that a new government, "with slavery as its acknowledged corner-stone, and with no other declared object of separate existence, is so far shocking to the moral sense of mankind that it must not expect welcome or recognition in the commonwealth of nations."[1] These resolutions, pronounced by Lieber "one of the most collected, most faultless of historical documents,"[2] were adopted by large majorities in both Houses, and transmitted to our ministers abroad for communication to the governments to which they were accredited.

But Sumner's influence in behalf of peace and friendly feeling with England was exerted not more in his official capacity as chairman of the Committee on Foreign Relations, than in his private correspond-

[1] Passed March 3, 1863. *Works*, Vol. VII, pp. 307–312.
[2] Pierce, Vol. IV, p. 124.

ence with the leaders of English thought. It was a bitter disappointment to him that many of the men of eminence—scholars, philanthropists and statesmen, whom he had come to love—now sided with the South or were without faith that the North could succeed. But in John Bright and Richard Cobden he found stanch supporters of the Union. And they recognized in Sumner the fitting avenue of communication between the friends of freedom in the two lands. Early in the war Cobden had written to Bright: "I doubt whether another year's blockade will be borne by the world. What say you? If you agree, you should let Sumner know."[1] Their letters to him were full of light upon changing public sentiment in England and warnings as to acts which might alienate it; they ranked with Adams's despatches as guides in cabinet discussions regarding our relations with England. In his letters to these British statesmen and also to the Duchess of Argyll, whose husband was in the cabinet, Sumner reported the changing conditions of the struggle and the progress in anti-slavery sentiment and legislation. Nor did he fail to make clear to his correspondents how deeply Americans resented the British government's laxness in enforcing neutrality. He declared that our commerce was about "to be driven from the ocean by ships in which every plank and rope, and every arm, from the knife to the cannon and the crew, are British, and nothing but the pirate officers rebels"; he pointed out that

[1] December 6, 1861. Quoted by Pierce, Vol. IV, p. 51.

in allowing such a flagrant breach of neutrality England was laying down precedents which could not fail to be most disastrous to her in future years: "A leading merchant said to me this morning that he would give $50,000 for a war between England and Russia, that he might turn England's doctrines against England." In his letters as in his speeches, Sumner took every opportunity to identify the rebellion with slavery, and "slave-mongers" was the epithet which with wearisome iteration he applied to the Southerners. His object was to heap ignominy upon the cause which underlay the attack upon the Union. He especially deplored Earl Russell's "hard, curt, captious, and cynical" despatches, and his statement that the Union and its opponents "were contending, as so many of the states of the Old World have contended, the one side for empire and the other for independence." This thesis Gladstone adopted, declaring so often and with such apparent satisfaction his belief that the restoration of the American Union by force was unattainable that Sumner protested: "Opinions are allies more potent than subsidies. . . . Nothing is more clear than that whoever assumes to play prophet becomes pledged in character and pretension to sustain his prophecy."[1] The Proclamation of Emancipation and the victories at Vicksburg and Gettysburg produced a noticeable change for the better in British public opinion toward the

[1] Address, New York, September 10, 1863. *Works*, Vol. VII, pp. 351–352.

North, but Gladstone, even in the winter of 1863–4, declared in a letter to Sumner that from the first of the war his opinion had remained absolutely the same.[1]

On the evening of September 10, 1863, before an audience of 3,000 in the Cooper Institute,—from whose doors as many more had been turned away,—Sumner delivered an address on "Our Foreign Relations." The occasion for this intense interest was not far to seek. The *Florida* and the *Alabama* were already at large, preying upon our commerce, and other cruisers and rams were building in British yards. The French emperor was known to be urging intervention upon an apparently not unwilling British cabinet. Despite his well-known friendship for England and the English, Sumner's speech seemed primarily an indictment of the British government for such sins of omission and commission as he had been pointing out in his letters to Bright and Cobden. He laid especial emphasis on "the impossibility in a civilized age of recognizing a *new* power openly proclaiming this barbarism [slavery] as its corner-stone," and argued at length against a government's being entitled to belligerent rights on the ocean, when it had no access to prize-courts, but always burned its captured ships, and none of whose cruisers ever touched a port of the pretended government.[2]

Sumner intended this speech for a far larger

[1] The frankness of Gladstone's acknowledgment of his mistakes of judgment and of speech goes far to disarm criticism. Morley, *Life of Gladstone*, Vol. II, p. 82.

[2] *Works*, Vol. VII, pp. 327–392.

audience than that which he faced,[1]—for the American public, before whom no comprehensive presentation of the subject had been placed, and for British statesmen, that they might be warned for the future by seeing how deeply British lack of sympathy and remissness in neutrality had offended Americans most friendly toward England. In America the address met with wide-spread approval. In England it gave deep distress to some friends of Sumner and of the cause which he represented, and was criticized as grossly indiscriminating and unjust. It is true that the speech did not take into account the self-sacrificing sympathy of the great working-classes and of many English leaders of thought: its censures were directed against England as represented by the government which had allowed the *Alabama* to escape. It was felt, too, that Sumner made a serious mistake and did injustice in bringing his indictment against

[1] Blaine notes this detachment from his immediate audience as characteristic of Sumner in many of his speeches. "He presented his arguments with power, but they were laborious essays. He had no faculty for extempore speech. Like Addison, he could draw his draft for a thousand pounds, but might not have a shilling for change. . . . His written arguments were the anti-slavery classics of the day, and they were read more eagerly than speeches which produced greater effect on the hearer. Colonel Benton said that the eminent William Pinckney of Maryland was always thinking of the few hundred who came to hear him in the Senate chamber, apparently forgetting the million who might read him outside. Mr. Sumner never made that mistake. His arguments went to the million. They produced a wide-spread and prodigious effect on public opinion and left an indelible impression on the history of the country."—*Twenty Years of Congress*, Vol. I, p. 318.

England and France together, since the British government had not taken the initiative toward intervention, but had thus far resisted the pressure of the French emperor. But the difficulties of the moment were from England. Again, Sumner was criticized for insisting that foreign countries must discriminate against the Confederate states because their government was based upon slavery. In so doing, Sumner was following his usual practice of appealing to a higher law, regardless of whether its behests had been recognized in the currently accepted law of nations.

But the turning-point with the British ministry had already been reached. Two days before Sumner launched these reproaches, Earl Russell had informed the American minister that instructions had been issued that no more Confederate cruisers or rams should be allowed to depart from British ports. Nevertheless, in spite of all the friction it caused, it cannot be doubted that Sumner's speech served as a salutary warning that past British remissness had not gone unnoticed and that its continuance would seriously imperil peace between the two countries. Sumner's own avowal to Lieber was: "On my conscience, after a constant and minute correspondence on all topics of my speech, I felt that the time had come when the case should be stated to England by a friend who meant peace and not war. My speech was a warning, with a pleading for peace." But Sumner was not always a good judge of the conciliatory effect of his own words.

CHAPTER XIV

SUMNER AND LINCOLN

In the session which opened in December, 1863, Sumner aroused some antagonism by forcing through a Senate rule, requiring that members take the "iron-clad oath,"[1] and by his successful championship of a bill requiring this oath of all attorneys appearing in Federal courts. The old charge was renewed, that Sumner himself had had "treason in his heart and on his lips" in taking the oath, while avowing that he would not assist in the rendition of fugitive slaves.

At this session also, on Sumner's motion, there was constituted a special Committee on Slavery and Freedmen, and he was made its chairman. To this committee was referred his bill for the repeal of all fugitive slave laws. This measure, which he had introduced almost as soon as he had entered the Senate twelve years before, and had repeatedly urged, still met with strong opposition, but Sumner now kept forcing this and other matters relating to freedmen upon the Senate with a persistence which

[1] This oath, prescribed by Act of Congress of July 2, 1862, required all persons in the civil and military service of the United States to affirm past loyalty as well as to pledge future allegiance to the government. Democratic senators had heretofore declined to take this oath, declaring that it did not apply to members of Congress. Pierce, Vol. IV, p. 175.

called from Saulsbury of Delaware the impatient wish that the Senate might have "one day without the nigger." At last, after a struggle of five months, success crowned his efforts. So far as practical effect upon the return of fugitives was concerned, this belated repeal was not of much consequence, but Sumner deemed it of immense importance abroad; in fact, within a few weeks Earl Russell had stated in the House of Lords that the retention of the Fugitive Slave Act repelled sympathy for the Union cause.

Other measures connected with slavery which Sumner was largely instrumental in passing were the abolition of the coastwise slave-trade; the establishment—though for but a limited term of one year—of a Freedman's Bureau, and a prohibition of exclusions from street-railway cars in the District of Columbia on account of color; and—what he deemed of greatest importance—a law prohibiting in all courts of the United States any discrimination against negroes as witnesses. It is characteristic of Sumner's attitude of mind that three of these measures were forced through only by his loading them as riders upon appropriation bills or as amendments of general character upon acts of special legislation. Of such transcendent importance did he deem this extension of the rights of the freedmen that he would hesitate not a moment to make use of any legislative device, however embarrassing it might later prove as a precedent.

Negro suffrage now came under discussion, and Sumner joined earnestly with others in the exclusion of any suffrage discrimination on account of color in the act for the government of Montana Territory, making the issue one of principle rather than of immediate practical importance.[1] Against the judgment of many, including Wilson, he also made vigorous though unsuccessful efforts to have the suffrage extended to colored persons in the District of Columbia.

While on his way to Washington, Sumner drafted a form of petition for an amendment to the Constitution, declaring that "slavery shall be forever prohibited within the limits of the United States." This form of petition, adopted a few days later at the meeting of the American Anti-slavery Society, is said to have been the first public step toward the Thirteenth Amendment, which at this session was approved by the Senate though not by the House. Sumner, of course, was one of its most ardent advocates. He fought hard, but in vain, to secure a phrasing of the Amendment which would not imply any sanction of slavery even as a punishment for crime.[2] In the debate over this measure, his expres-

[1] As a matter of fact, it is declared that there was not at the time a single negro in Montana. In the words of a witty Southerner, "The whole controversy over the territories related to an imaginary negro in an impossible place."

[2] The form which he proposed in the Senate, February 8, 1864, was as follows: "Everywhere within the limits of the United States and of each state or territory thereof, all persons are equal before the law, so that no person can hold another as a slave."

sion, "Nothing against slavery can be unconstitutional," showed the temper in which he always approached legal questions. It was from the standpoint of the idealist rather than of the jurist.

In pushing forward these anti-slavery bills Sumner showed a pertinacity which exacted acknowledgment of his power, but did not tend to make him liked by his colleagues. Upon a measure which many at first distrusted, he would keep forcing them to put themselves upon record, until at last his importunity or their fear of popular sentiment brought them to yield. To the question whether such nagging persistency would prove good policy, Sumner's reply would have been the words he used at one stage in these debates: "The main proposition is to strike slavery wherever you can hit it."

Yet he did not neglect topics of a more general interest. It was at this session that he made a most exhaustive report upon the "French Spoliation Claims," which had been urged upon Congress for sixty years, and strongly advocated a bill for their payment. Four times, at later sessions, this report was adopted or reprinted as the authoritative summing up of the case, before Congress at last, in 1885, authorized the payment of the claims.[1] Sumner anticipated public sentiment by introducing, on April 30, 1864, a bill to provide for a system of competitive examinations for minor offices in the civil service, and for the prohibition of removals except for

[1] Pierce, Vol. IV, pp. 187–188. Actual payments began in 1891.

good cause. This was the beginning of the movement in Congress for the reform of the civil service. Sumner had matured the measure without consulting other senators; he was so convinced that it could not be passed in this crowded session that he himself moved that it be laid upon the table, and he was too engrossed with other cares to call it up. But he had long believed that rotation in office, while justifiable in political posts, was absurd in the machinery of administration and was convinced that the reform which he proposed would have a beneficial effect on our national credit and everywhere else. He was both surprised and gratified at the favorable comments which his bill called forth from friends and from some of the leading papers.

Upon the approach of the presidential campaign of 1864, Sumner shared the opinion of perhaps the majority of public men (who in a few months were to be the President's eulogists) that Lincoln lacked practical talent for his position of transcendent importance, and that in the presidency "there should be more readiness and also more capacity for government." But he took no part in the many conferences looking toward the substitution of another candidate, repeatedly affirming that nothing could be done except with Lincoln's good-will. He put on record some strange judgments, which he himself must soon have repudiated. To Cobden on September 18, 1864, he wrote: "If he [Lincoln] had patriotically withdrawn, and given his support to any nominee of a new convention, whoever he might be,

—any one of a hundred names,—I am very sure the nominee would be elected. . . . The President made a great mistake in compelling him [Chase] to resign. It was very much as when Louis XVI. threw overboard Necker,—and, by the way, I have often observed that Mr. Lincoln resembles Louis XVI. more than any other ruler in history. I once said to Chase that I should not be astonished if, like Necker, he was recalled; to which he replied, 'That might be if Mr. Lincoln were king and not politician.'" [1]

But as soon as the Democratic platform was made public, with its assertion that the war had been "four years of failure," Sumner declared that "all opposition to Lincoln disappears at the promulgation of the Chicago treason," and in many speeches he did stalwart service to secure the President's re-election. While the campaign was still in progress, there came an interesting illustration of Lincoln's magnanimity, when Taney's death, for months anticipated as imminent, made vacant the chief-justiceship of the Supreme Court. Early in the year Sumner had urged Chase's name upon the President as the best appointment. But meantime Lincoln had forced Chase to withdraw from the cabinet. Nevertheless, both by letter and by personal interview, Sumner now renewed his advocacy of Chase's appointment, which, after some delay, was made. Soon after the new Chief Justice had taken his seat, Sumner found intense satisfaction in moving the

[1] Pierce, Vol. IV, p. 200.

admission of a certain colored lawyer as counselor before the tribunal where Taney had pronounced the decision which denied citizenship to men of his race. This Dred Scott Decision seemed to Sumner such an atrocity that he joined with other senators in temporarily successful opposition to the placing of a bust of Taney in the chamber of the Supreme Court.[1]

Sumner brought himself into strange company by his earnest opposition to the resolution reported from the Committee on Military Affairs for the establishment of retaliation in kind upon Confederate prisoners of war. He did not deny that retaliation was a recognized right under the laws of war, but urged that such forms as virtual starvation and deprivation of necessary clothing and medicines, from which Union soldiers were alleged to have suffered in Southern prisons, could not be applied without grave deterioration of the national character.

[1]This bill, reported by Trumbull, called out angry debate from quite a number of senators. Sumner declared that "Taney would be hooted down the pages of history, and that an emancipated country would fix upon his name the stigma it deserved. He had administered justice wickedly, had degraded the judiciary, and had degraded the age." Reverdy Johnson eulogized Taney, and asserted that "the senator from Massachusetts will be happy if his name shall stand as high upon the historic page as that of the learned judge who is no more." Nine years later, when all but Sumner of those who had spoken in these earlier debates had ceased to be members of the Senate, there was presented a bill for conferring the same tribute of respect upon Taney and upon Chase, who had just died in the chief-justiceship; this was passed without debate and with the unanimous consent of the Senate.—Blaine, *Twenty Years of Congress*, Vol. I, pp. 135–137.

Working with Democrats who were ordinarily his bitter opponents, Sumner was able to secure the Senate's assent to certain amendments requiring that the retaliation be in conformity with the laws and usages of warfare among civilized nations.

The first year of the war was hardly past when the problem of reconstruction began to engage attention. Although the suppression of the insurrection had proved a harder task than was anticipated, it was felt that if civil governments were speedily established in states which had come within Union control, they would serve as gathering-points for national sentiment, and would make a most favorable impression upon public opinion abroad as an evidence that orderly democratic government was soon to be restored in the states which had been in revolt.

Upon this problem Sumner was one of the first to put himself upon record,[1] and no other public man's attitude and influence had more to do with determining the course which reconstruction finally took. Hardly six months had passed since the disaster at Bull Run when Sumner, on February 11, 1862, introduced a series of resolutions, the cardinal feature of which was his insistence that the determination of the procedure by which the seceded states should resume functions of government and be restored to normal relations with the Union, must rest with Congress. In his opinion the seceded states had virtually committed "state suicide," and

[1] *Supra*, pp. 261–262.

it was now perfectly competent to Congress to make all rules and regulations for such territory as for any other territory or property of the United States.[1]

In the spring of 1862 military governors were appointed by the President for Louisiana, Arkansas, Tennessee, and North Carolina. Forthwith in Louisiana, in accordance with orders issued by this military governor, two representatives (Hahn and Flanders) were elected; and upon their arrival in Washington the House of Representatives accepted their credentials and admitted them as members of the House, "though not without contention and misgiving."[2] In December, 1863, the President's message set forth his programme of reconstruction: State governments were to be established on the basis of one-tenth or more of the number of votes cast at the last national election, and voters were to be required to pledge themselves to allegiance to the Constitution and laws and the proclamations relating to slavery. During the next two months, in accordance with a proclamation of General Banks, the commander of the department, elections were held, the voting being confined to "male white citizens," a constitution was adopted and state officers were chosen. In Arkansas the same procedure had been followed.[3]

In Congress these acts of the Executive met with

[1] Constitution, Art. IV, Sec. III, Par. 2.

[2] Blaine, *Twenty Years of Congress*, Vol. II, p. 36.

[3] The character of the correspondence which led to these steps is indicated by letters between Lincoln and Banks. Nicolay and Hay, *Lincoln*, Vol. VIII, pp. 427–430.

prompt protest, and the House soon passed a bill providing a method of reconstruction which differed from that of the President principally in its insistence that a majority, instead of merely one-tenth, of the white male citizens, of the age of twenty-one or over, should take the oath to support the Constitution of the United States before they could participate in initiating the state governments, and in the requirement that the new constitution of each state prohibit slavery forever. In both branches of Congress the attempt was made to cut out the restriction of the suffrage to whites, but it failed, only five votes being cast in its support in the Senate. It is said that here for the last time Sumner was ready to waive his objection to such restriction of the suffrage, provided the bill asserting Congress's power to control reconstruction could be passed, together with a declaration that the Louisiana procedure was no precedent and that freedom should be secured. But this bill the President killed by a pocket veto; for he was firmly of the opinion that Congress had no authority to abolish slavery within the states, and he believed that the delicate adjustments of reconstruction could be better effected by one man than by from two to three hundred men in two jealous branches of Congress.[1]

In June, 1864, the concrete question came before the Senate on a resolution to recognize the govern-

[1] Proclamation of July 8, 1864. The bill is reprinted in full in Macdonald's *Select Statutes of United States History*, 1861–1898, pp. 124–128.

ment of Arkansas. Sumner spoke briefly but with great earnestness in opposition to the measure. This speech showed the extent to which already "the two most influential men in public life were at variance." [1] Sumner objected to the irregularity of the proceedings by which the government had been organized under military orders within a territory hardly subjugated, but laid most stress upon the contention that the states which had been in revolt could be readmitted to statehood only by act of Congress. A resolution of his own was at this time pending—adopted in substance two years later—providing: "That a state pretending to secede from the Union and battling against the national government to maintain this pretense, must be regarded as a rebel state, subject to military occupation, and without title to be represented on this floor until it has been readmitted by a vote of both Houses of Congress; and the Senate will decline to entertain any application from any such rebel state until after such vote of both Houses of Congress." [2] Both resolutions were referred to the Committee on the Judiciary, of which Trumbull was chairman, and were reported unfavorably, as were also the credentials of the persons claiming admission as senators from Arkansas.

[1] Rhodes, Vol. V, p. 55.

[2] May 27th. McPherson, *History of the Rebellion*, p. 320. *Works*, Vol. VIII, p. 470. See similar resolutions of February 23, 1865 and March 8, 1865. *Works*, Vol. IX, pp. 311 and 340. In the House, Garfield and Dawes proposed resolutions of like character, June 13 and 22, 1864.

In February, 1865, however, substantially the same question arose over the resolution reported from the Committee on the Judiciary, of which Trumbull was still chairman, recognizing the government of Louisiana. Personal conference with the President had apparently brought about this change of Trumbull's views. Lincoln was so strongly committed to his scheme of reconstruction that the senators were reluctant to speak openly in opposition. Sumner had again and again urged him to "have no break with Congress on such questions."[1] As to his own ground he had no hesitation: from this time forward, leaving for the most part to others the protest against the irregularity in the initiation of the government by military orders and the inadequacy of the voting population on which such government was based, Sumner now, alone, began his fight to prevent the admission of any state which did not guarantee freedom and equality at the polls as well as before the courts to colored people on precisely the same terms as to whites. To this struggle for absolute equality of civil rights the greater part of his strength for the rest of his life was to be devoted. To it he brought all the intensity of conviction, all the determination and fearlessness in debate which he had formerly devoted to securing the repeal of the Fugitive Slave Act and the proclaiming of emancipation. His attitude was affirmed both by word and deed: "I think it [the measure] danger-

[1] Letter to Bright, Jan. 1, 1865. Pierce, Vol. IV, p. 221.

ous; and thinking it dangerous, I am justified in opposing it, and justified, too, in employing all the instruments that I find in the arsenal of parliamentary warfare."[1] Riders, dilatory motions, objections, talking against time,—all of these Sumner used without hesitation. In these early days of this ten years' struggle, when senators interrupted him with cries, "Don't waste time!" "Give up!" his reply was, "That is not my habit." "We know that!" came the response, with laughter. The debate was full of sharp personalities. Sumner found one of his principal allies in a senator from Kentucky, but Wade proved his most zealous supporter. Sumner now asserted, as many times later, that the Union needed the ballots as well as the muskets of colored men.[2]

The resolution had been brought in only about a week before the end of the session, and the appropriation and revenue bills were still to be considered. The result was that by persistent filibustering Sumner and a dozen other senators prevented a vote upon the recognition of Louisiana. For the absolute equality of the colored race as a condition of readmission, Sumner had made his fight alone, and his influence more than that of any other blocked the recognition of the state, which was the vital point for reconstruction in accordance with the Lincoln plan. Even before the debate in the

[1] February 25, 1865.

[2] See Sumner's resolution of Feb. 25, 1865. McPherson, p. 580.

Senate began, Lincoln is said to have declared: "I can do nothing with Mr. Sumner in these matters. While Mr. Sumner is very cordial with me, he is making his history in an issue with me on this very point." [1] In his great disappointment at the outcome of the contest, Lincoln took no pains to conceal the fact that he considered Sumner chiefly responsible for the defeat of his favorite measure. In cabinet meeting on the very last day of his life, Lincoln declared: "These humanitarians break down all state rights and constitutional rights. Had the Louisianians inserted the negro in their Constitution, and had that instrument been in all other respects the same, Mr. Sumner would never have excepted to that Constitution." [2]

The relations between Lincoln and Sumner during the last weeks of the President's life afford an interesting study. Sumner had just blocked a project on which Lincoln's heart was set. Yet, far from cherishing resentment, Lincoln showed him more signs of personal regard than to any other man in public service. It is hard to see much basis for congeniality in two men so utterly unlike. "Sumner," Lincoln once said, "is my idea of a bishop." Certainly the Massachusetts senator had been unremitting in his efforts to point out to the President the precise line of his duty. It is far easier to understand how Mrs. Lincoln should have come to

[1] Nicolay and Hay, *Lincoln*, Vol. X, p. 85.

[2] *Ibid.*, pp. 282–285. Welles, *The Galaxy*, April, 1872, p. 526.

have a great admiration for Sumner. His eloquence and humanitarian zeal always made a strong appeal to high-minded women. Though of Southern origin, the wife of the President had come to sympathize with a radical anti-slavery policy. In her zeal and inexperience she even took such surprising steps as the sending of notes to Sumner, repeatedly urging him to oppose the appointment to the cabinet of a man of whom she did not approve.[1] Sumner's foreign travel and acquaintance impressed Mrs. Lincoln, who was interested in French, and enjoyed discussing French books with him. On the eve of the inauguration ball came an autograph note from the President inviting Sumner to accompany him to that function, and the President's carriage called for him. As the party entered the ballroom, Sumner escorting Mrs. Lincoln, there were many who inferred that Lincoln had accepted Sumner's reconstruction policies.

According to his custom, Sumner remained in Washington for some time after the end of the session, to finish up business and, also, to bring to bear what influence he could in favor of his plan of reconstruction. During these weeks apparently Lincoln and Sumner were each seeking the other in the hope of making a convert. On one occasion Sumner had a midnight conference with the President in regard to a case calling for executive clemency, and came to the President's office early the next morning by appointment to receive the

[1] Pierce, Vol. IV, p. 221, n. 2, and pp. 230–231.

documents. While Sumner was taking some notes, the President broke out into praise of "Petroleum V. Nasby," and declared that he must "initiate" Sumner, adding: "For the genius to write these things I would gladly give up my office." Thereupon he proceeded for nearly half an hour to regale the cultured Massachusetts senator with that "patriotic literature" until Sumner, "thinking there must be many at the door, waiting to see the President on grave matters, took advantage of a pause, and, thanking him for the lesson of the morning, left," passing through the anteroom, which he found thronged with twenty or thirty persons, including senators and representatives.[1]

A few days later the President left Washington for the headquarters of the Army of Virginia. Sumner was to have accompanied Mr. and Mrs. Lincoln to the opera on April 5th, as he had done on the last occasion when the President had attended the theatre; but plans were now changed, and on that day in a party of eight he accompanied Mrs. Lincoln to City Point, where they joined the President. Thence the party went to Richmond, where with an escort of cavalry they made visits to the chief points of interest. Sumner gratified his collector's passion by securing for Stanton the gavel which had been used in the Confederate Congress. The next day the President and his party went to

[1] *Works*, Vol. IX, p. 360. Sumner wrote an account of this episode as an introduction to a new edition of Nasby's letters, issued in 1872.

Petersburg, and on the following day visited the sick and wounded in the tent hospitals at City Point. Here Lincoln shook hands with five thousand sick and wounded soldiers, and yet declared to Sumner that his arm was not tired.[1] They returned to Washington on the *River Queen*, as Sumner wrote to the Duchess of Argyll, "breakfasting, lunching and dining in one small family party." In these four days of intimate association, Sumner came to appreciate some points in Lincoln's character which he had perhaps little suspected. To the few friends upon the boat the President quoted Longfellow's "Resignation" and on Sunday read from his favorite play, "Macbeth."[2]

The party reached Washington on the evening of the 9th. The next day Sumner received from the White House, with a bunch of flowers, a special message announcing Lee's surrender. On the following day came an invitation to him to bring a friend to the White House to see the illumination in celebration of the surrender, but for some reason

[1] *Works*, Vol. IX, p. 410.

[2] With the strange premonitory mysticism which Lincoln often showed, the passage over which he lingered and which he read a second time to this group of his friends was the words of Macbeth:

> "Duncan is in his grave;
> After life's fitful fever he sleeps well;
> Treason has done his worst: nor steel, nor poison,
> Malice domestic, foreign levy, nothing,
> Can touch him further."
>
> —Act III, Sc. II, ll. 23–27.

Works, Vol. IX, pp. 408, 416. Marquis de Chambrun's "Recollections of Sumner," *Scribner's Magazine*, January, 1893, pp. 33, 35.

this was not accepted. In response to calls from the crowd, the President that evening made his last public speech. To the surprise of the listeners, he took this occasion to defend, in a long, earnest argument, his course in regard to Louisiana. On reading the address the next day, Sumner confided to Lieber his forebodings: "The President's speech and other things augur confusion and uncertainty in the future, with hot controversy. Alas! alas!" Thursday evening Sumner was again invited to the White House to see the illumination in company with General Grant. It is not known whether these two, who in later years were to be brought into such bitter opposition, met here for the first time. The next day, the fatal 14th of April, in cabinet meeting Lincoln reasserted his view as to reconstruction, mentioned Sumner's opposing opinion, and intimated that it was providential that the end of the rebellion came when the question of reconstruction could be considered, as far as the Executive was concerned, without interference from Congress.[1]

That evening Lincoln was assassinated. The news of the crime spread rapidly. It came to Sumner as he was talking with friends. He went to the White House immediately, supposing that the President had been taken thither, and thence to the house where the stricken man lay. There in the gray hours of dawn he sat, holding the hand that had freed the slave, and sobbing like a child. As Lincoln breathed his last, his son stood leaning

[1] Welles, in *The Galaxy*, April, 1872, pp. 525–527.

upon Sumner's arm. The senator then entered a carriage with General Halleck, who stopped at the hotel where Johnson was lodging to inform him that he must not go out without a guard. From here they drove to Seward's house, where a single assassin had wounded six persons. On reaching his own lodgings, Summer found that Stanton had already posted a squad of soldiers there, as Sumner's life, also, was reported to be in danger.

In the joint gathering of senators and representatives then in Washington, Sumner was made chairman of the committee which prepared the resolutions and made other preparations for the representation of Congress in the funeral ceremonies. On the 1st of June, the commemoration day appointed by President Johnson, by invitation of the Boston city government, Sumner pronounced the eulogy upon Lincoln in Faneuil Hall. He told the story of the dead statesman's rise to power and bore witness to his great qualities of mind and heart, criticizing only what had seemed to the speaker a slowness in taking a stand upon some questions. He especially emphasized his simplicity and strength of character, and the qualities of his style, "argumentative, logical and spirited with quaint humor and sinewy sententiousness." From Mrs. Lincoln Sumner received a most appreciative message, and Robert T. Lincoln wrote to him that of all the many eulogies that had been delivered, he had seen none which so well as Sumner's expressed "what all who knew my father feel, but cannot say."

CHAPTER XV

JOHNSON AND RECONSTRUCTION

At the beginning of the first war session of Congress Sumner had gone out of his way to express great respect for Andrew Johnson, the loyal senator from Tennessee, and despite the disgraceful features which had attended Johnson's inauguration as Vice-President, Sumner's early impressions of him in the office now thrust upon him were distinctly favorable. He had occasion to call upon him on business a few hours before his taking the oath of office; and he forthwith began to exert all possible pressure to induce Johnson to endorse his reconstruction policy. A week from the day of Lincoln's assassination, Chief Justice Chase and Sumner together called upon the new Executive to urge him to favor negro suffrage. Of this interview Sumner wrote to Lieber: "I was charmed by his sympathy, which was entirely different from his predecessor's. . . . Our late President accepted the principle, but hesitated in the application. . . . Our new President accepts the principle and the application. . . . Both of us left him light-hearted."[1] Meantime the question had risen in a conference between Stanton and some leading members of the two Houses, at

[1] May 2, 1865. Pierce, Vol. IV, p. 243.

which Sumner had insisted that the negro's right to vote was "the essence,—the great essential; . . . unless the black man has the right to vote, his freedom is mockery." It soon arose also at a cabinet meeting, where, in the absence of Seward, the members were evenly divided upon the issue; the President did not commit himself. When Sumner went to Boston to pronounce the eulogy upon Lincoln, he felt confident that Johnson's influence would be thrown in favor of full suffrage rights for the blacks, and that none of the seceded states would be precipitated back into the Union without passing through a term of probation. But ten days had not passed before the President issued a proclamation of amnesty, followed by another, providing for the reconstruction of North Carolina and excluding negroes from the suffrage in that state.[1] Forthwith other proclamations affirmed the steps already taken by Lincoln as to Louisiana, Arkansas and Tennessee, and provided for the reconstruction of the rest of the seceded states.

It is not necessary here to canvass the influences which led to this "political somersault." It was a bitter disappointment to Sumner and other radicals. Thaddeus Stevens had already taken alarm at Johnson's proclamation of May 9th, recognizing the Pierpont government of Virginia; he now wrote to Sumner: "Is there no way to arrest the insane

[1] This proclamation of May 29th was issued two days before Sumner's eulogy on Lincoln, and doubtless this fact accounts for some of his digressions.

course of the President in reorganization?" and asserted that he had sent him two letters, urging him to "stay his hand till Congress meets." Wade went to Washington to beg Johnson to convene Congress, but soon reported to Sumner that he had been unable to divert the President from the policy on which he was resolved.[1]

During the summer months these acts of Johnson apparently awakened little disapproval, still less apprehension, among the people of the North. They seemed a consistent carrying forward of amnesty and reconstruction, as begun by Lincoln. But the radical leaders, who had viewed with alarm the first steps taken by Lincoln, were now aghast at the pace Johnson was attaining. "If something is not done, the President will be crowned King before Congress meets," Wade wrote to Sumner, and later: "The danger is that so much success will reconcile the people to almost anything." He could foresee no other result of the President's course than the consigning of "the great Union or Republican party, bound hand and foot, to the tender mercies of the rebels we have so lately conquered in the field and their Copperhead allies of the North."[2]

Sumner was not so disheartened, though he confessed to Bright his disappointment that the radicals in the cabinet had deserted "the good cause."[3] He

[1] Sumner's *Works*, Vol. IX, p. 480.
[2] Letter to Sumner, July 29th. Sumner Corr. MS., Harvard Library.
[3] Pierce, Vol. IV, pp. 250, 255.

straightway set about organizing public opinion. Through personal correspondence, letters to the press, magazine articles and interviews with public men, he sought to further the measures to which he was ardently devoted. Seward, Welles and McCulloch approved Johnson's policies. In the cabinet no man was prepared to force equal suffrage for the negro as an out-and-out issue with the President; and of the senators B. Gratz Brown was the only one who during the summer declared himself ready without reserve to follow Sumner's lead upon that point. Of the members of the House, three (Boutwell, Julian and Garfield) put themselves on record before the public as in favor of negro suffrage, but Dawes, soon to follow Sumner in the Senate, now defended Johnson's course, vigorously challenging the constitutionality of any equal-suffrage requirement which Congress might attempt to force as a condition of reconstruction. Hardly any other public man or editor of prominence looked with favor upon Sumner's programme, even Greeley, who advocated negro suffrage as just and politic, being unwilling to affront the President by rigidly insisting upon it. But clearer than ever stood the fact that, in the face of every opposition, Sumner was inexorably insistent that before a seceded state should be restored to normal relations in the Union, it must grant full and equal suffrage rights to the negro. To Lieber Sumner acknowledged that all his first impressions were in favor of the reading and writing test, but that he had come to regard this as imprac-

ticable, since any such test would have to apply to whites and blacks alike, and it would be impossible to get votes of Congress to disfranchise men who were already voters, as such a test would inevitably do. "Besides," he added, "there are very intelligent persons, especially among the freedmen, who cannot read or write. But we need the votes of all, and cannot afford to wait." [1]

At the Massachusetts state Republican convention, on September 14th, Sumner took the chair. He spoke with intense earnestness, urging "the right of the colored race to equality in suffrage as in all other things, both for its own protection and for the safety of the country,—to be maintained by Congress as a condition in the restoration of the rebel states, and irrevocably secured by an amendment of the Constitution forbidding any exclusion on account of race or color,"—one of the earliest suggestions of what was to become the Fifteenth Amendment. The Massachusetts Republicans endorsed Sumner's programme, but this stand was taken by the party in only three other states (Vermont, Iowa and Minnesota), although before Congress assembled there was evidence of growth of popular sentiment in its favor. Some of the constitutions adopted and the laws passed in 1865 in the seceded states under warrant of Johnson's proclamations, especially Mississippi's refusal to ratify the Thirteenth Amendment and her harsh legislation with reference to the freedmen, afforded

[1] Letter of August 14, 1865. Pierce, Vol. IV, p. 256.

ample justification to a man of Sumner's mode of thought for the conviction that their reconstruction was premature and in the wrong hands; for while, before Congress met, four of the states had annulled the ordinances of secession and ratified the emancipating Amendment, they not only confined the suffrage to white citizens but passed a variety of acts discriminating against the freedmen with the tendency and effect of reducing them to virtual peonage. The President himself was so impressed by the growing belief that mere emancipation would leave the freedmen defenseless, that in his circular to the provisional governors he suggested that the ballot be given to all freedmen "who can read the Constitution of the United States, and write their names, and also to those who own real estate valued at not less than two hundred and fifty dollars and pay taxes thereon." But that the suggestion came from the politician rather than from the statesman or philanthropist is clear from his message to the Mississippi governor: "I hope and trust that your convention will do this, and as a consequence the radicals, who are wild upon negro franchise, will be completely foiled in their attempt to keep the Southern states from renewing their relations to the Union by not accepting their senators and representatives." [1]

On the Saturday evening before the session opened, Sumner had a long interview with John-

[1] Letter to W. L. Sharkey, Aug. 15, 1866. Blaine, Vol. II, p. 81.

son, and found him "harsh, petulant and unreasonable." [1] There was so little basis for common understanding that Sumner left him convinced "that the President's whole soul was set as a flint against the good cause, and that by the assassination of Abraham Lincoln the rebellion had vaulted into the presidential chair." As he later wrote to Bright, "He is indocile, obstinate, perverse, impenetrable, and hates the education and civilization of New England." They parted never again to meet on friendly terms. On the very first day of the session, as soon as he could get the floor, Sumner introduced a series of ten resolutions, covering the whole field of reconstruction. His object was to forestall the President, whose message had not yet been presented, and to form public opinion. The condition which he laid down as of fundamental importance was the maintenance by Congress of absolute political and civic equality of all citizens, white or black. He based this upon the constitutional duty to guarantee to every state a republican form of government. It was no longer possible to fail to see the vast proportions of the problems involved.

In the House Stevens was not less alert. Under his prompting, on the first day of the session, the clerk admitted to the roll of members-elect none of the men who had been chosen from the states which had seceded, and refused to listen to their protests or to entertain motions directing that the names of

[1] *Works*, Vol. XI, pp. 24, 25.

the two Tennessee members-elect be added. The work of organization was rushed through, and under suspension of the rules Stevens then introduced a resolution providing for the appointment of a joint committee of nine from the House and six from the Senate to investigate the condition of the states which had been in rebellion "and to report whether they or any of them are entitled to be represented in either House."[1] Protest was made as to the impropriety of acting upon such a motion without awaiting the President's message, but it was nevertheless passed by a vote of nearly four to one and the committee was constituted with Stevens as chairman of the House committee and Fessenden of the Senate committee, and also of the joint committee.

Johnson's first message was an unexpectedly statesmanlike paper, now known to have been written by George Bancroft.[2] It stated the steps

[1] The surprising fact that Sumner and Stevens, who at first had but a small following, were soon dictating the congressional programme of reconstruction is well discussed by W. A. Dunning in *Essays on the Civil War and Reconstruction*, and in *Reconstruction, Political and Economic*, p. 52: "It was to the *esprit de corps* of the legislature, as against the overgrown pretensions of the executive, that the most effective appeals were made by the radical leaders, Stevens and Sumner. These men could not have carried with them a majority of either House—probably not a majority of the non-Democratic members in either—for a proposition to discard the President's plan; but for a proposition to hold it in abeyance till Congress could formulate an independent judgment on the question involved it was easy to win a decisive majority."

[2] Paper by W. A. Dunning, Mass. Hist. Soc. Proc., Nov., 1905.

which the President had taken in his effort "to restore the rightful energy of the general government and of the states" and intimated that after the states lately in revolt had adopted the Thirteenth Amendment it would "remain for the states whose powers have been so long in abeyance to resume their places in the two branches of the national legislature, and thereby complete the work of restoration." He dwelt upon the fact that the Constitution did not assume to prescribe suffrage conditions within the states, and declared that a concession of the elective franchise to the freedmen by the act of the President would be an entirely unwarranted departure from precedent and from the spirit of the Constitution.[1]

In both bodies the debates soon brought clearly into view a wide-spread opposition to the President. On motion of Sumner there were sent to the Senate the reports of Carl Schurz and of General Grant on conditions in the Southern states. Schurz's report was the result of a three months' inspection, made under the special commission of Johnson. It declared that in general he found in the South "an entire absence of that national spirit which forms the basis of true loyalty and patriotism," and he therefore urged that negro suffrage be required as a condition of reconstruction in those states. Such statements and recommendations were utterly distasteful to Johnson in his present mood, and accord-

[1] Dec. 4, 1865. *Messages and Papers of the Presidents*, Vol. VI, pp. 353–371.

ingly his message of transmittal made only formal reference to this report, but laid emphasis upon that of General Grant, who had spent only four or five days in the South on an inspection tour, the object of which was primarily military, and who reported that "the mass of thinking men of the South accept the present situation of affairs in good faith." Sumner denounced the message as "like the whitewashing message of Franklin Pierce with reference to the enormities in Kansas"; he characterized Grant's report as "hasty," while that of Schurz was "accurate, authentic, and most authoritative." With abundance of detail from reliable sources, he then set forth acts and laws of each of the seceded states which showed, so he asserted, a lack of loyalty or a determination to discriminate against the freedmen.[1] He called for information in regard to the President's appointments in the South, and the acts of Southern conventions, and later repeatedly brought to the attention of the Senate appointments of men whom the oath of loyalty should have debarred.

Both in Congress and among the people there was great reluctance to come to an open breach with the President. After four years of strife, business interests wanted a speedy return to normal conditions. The Republican party held power by a very narrow margin, and it was feared that factional discord might put the government into the hands of

[1] For a more judicious verdict upon the spirit of these laws see Rhodes, Vol. V, pp. 556–557, and citations in notes.

the Democrats, and endanger hard-won fruits of the war. But when Johnson on February 19th vetoed the bill to enlarge the powers of the Freedmen's Bureau, and denounced Sumner and other Republican leaders as on a par with Davis, Slidell and Toombs—a performance which by practically unanimous vote the Massachusetts legislature declared to be "without the shadow of justification or defense" —patience ceased to be a virtue. His next two vetoes were promptly overridden by Congress. [1]

During this session much time was taken up by debates over the Fourteenth Amendment. The most disputed feature was the clause relating to representation. As it came up from the House it provided that "whenever the elective franchise shall be denied or abridged in any state on account of race or color, the persons therein of such race or color shall be excluded from the basis of representation." It was estimated that if all the colored people in the Southern states were excluded, it would reduce their representation from eighty-three to thirty-five, and many men placed great reliance upon this as the inducement which would lead the South to extend the suffrage to negroes. Sumner, however, denounced it as "another compromise with human rights" and as a recognition of the right of states to make suffrage discriminations "on account of race and color." In a speech of four hours he traversed thoroughly not only the question

[1] The Civil Rights Bill and the second Freedmen's Bureau Bill.

before the Senate, but the whole ground of his resolutions on reconstruction.[1] He argued that for determining the status of the Negro, Congress had full competence derived from the war power, from the clause of the Thirteenth Amendment authorizing Congress to enforce emancipation by appropriate legislation, and from the constitutional duty as well as power to "guarantee to every state a republican form of government." Upon this last point he laid great stress. His earnestness and moral elevation made a deep impression. His arraignment of the caste spirit involved in the suffrage restrictions which the proposed amendment would tolerate put its advocates on the defensive. But among men of legal training and judicial mind he won few converts to his dictum, "Whatever is required for the national defense is constitutional." For the import of "a republican form of government" he studied not the opinions of the framers of the Constitution but his own inner consciousness and political ideals. The debate continued with a good deal of bitterness for five or six weeks, during which a test vote on an amendment forbidding any discrimination as to race or color received but ten votes in its favor. By the leaders of the Committee on Reconstruction Sumner was held in large part responsible for the failure of the amendment in the Senate.[2] Fessenden attacked

[1] February 5, 1866. *Works*, Vol. X, pp. 119–237. This speech fills forty-one columns of the *Congressional Globe!*

[2] "When the measure [the proposed Fourteenth Amendment] came before the Senate, Mr. Sumner opposed its passage and alleged that we proposed to barter the right of the negroes to

him with bitter personalities, while Stevens found relief for his resentment in declaring that the amendment had been "slaughtered by a puerile and pedantic criticism, by a perversion of philological definition" and by the "united forces of self-righteous Republicans and unrighteous Copperheads."[1] March 12th Sumner himself presented a form of constitutional amendment, the representative feature of which closely resembled that which was soon to be introduced by the Committee on Reconstruction, and which late in the session, with Sumner's approval, passed the Senate, and also the

vote for diminished representation on the part of the old slave states in the House and in the electoral college; while in truth the loss of representation was imposed as a penalty upon any state that should deprive any class of its adult male citizens of the right to vote. Upon this allegation of Mr. Sumner the resolution was defeated in the Senate." This brought upon him severe criticisms. "These criticisms affected Mr. Sumner deeply and he then devoted himself to the preparation of an amendment which he could approve. While he was engaged in that work I called upon him and he read seventeen drafts of a proposition not one of which was entirely satisfactory to himself, and not one of which would have been accepted by Congress or the country. The difficulty was in the situation. Upon the return of the seceded states, their representation would be increased nearly forty votes in the House and in the electoral college, while the voting force would remain in the white population. The injustice of such a condition was apparent, and there were only two possible remedies. One was to extend the franchise to the blacks. The country—the loyal states—were not then ready for the measure. The alternative was to cut off the representation from states that denied the elective franchise to any class of adult male citizens. Finally Mr. Sumner was compelled to accept the alternative. Some change of phraseology was made, and Mr. Sumner gave a reluctant vote for the resolution."—G. S. Boutwell, *Sixty Years of Public Life*, Vol. II, p. 42.

[1] *Congressional Globe*, p. 2459.

House, and presently was ratified by the states. Yet the power to discriminate in the suffrage on account of race or color, so long and fiercely debated and still left possible in the final form of the Fourteenth Amendment, was soon to be taken away by the Fifteenth Amendment. [1]

At this session Sumner accepted an appointment to the Committee on the District of Columbia, with the avowed purpose of so changing its *personnel* as to secure a report favorable to equal suffrage within the District. For this he argued with great earnestness as a matter of principle and of precedent, but it did not become a law at this session.

Sumner did his utmost to impose the condition of equal suffrage without race or color discrimination in the acts for the admission of Colorado and Nebraska—both of which measures were vetoed [2]—and

[1] The motives and aims of those who drafted and ratified this Amendment are presented comprehensively in *The Adoption of the Fourteenth Amendment*, by Horace E. Flack. Mr. Rhodes (Vol. V, pp. 602–610) advances cogent reasons for his belief that the Southern states ought promptly to have accepted what now became the congressional plan of reconstruction,—the Johnson conditions supplemented by the adoption of this Amendment. They would thus have saved themselves from far more galling exactions.

[2] It was by a "pocket veto" that this Nebraska bill was killed. It was said that there were at the time not more than fifty negroes in Nebraska, and Wade protested against the exclusion of the would-be state because of "a mere technicality." Sumner rejoined: "In other days we all joined in saying 'No more slave states!' I now insist upon another cry, 'No more states with the word *white* in their Constitutions!'" *Congressional Globe*, 2d Session, 39th Cong., p. 124. It was after Sumner's success in this matter that Gerrit Smith wrote to him: "I thank you and I thank God that neither Nebraska

for the reconstruction of Tennessee, his support from other senators varying from three to seven. Yet only two years later he was to be upheld by the entire Republican vote in his contention as to the necessity and effect of this condition, and it was then to be applied to five of the reconstructed states. At this time an effort was made by the leaders of the woman's suffrage movement to secure Sumner's potent advocacy for their cause, but he declined to be drawn into that controversy while other and more important issues were demanding solution.

At this time strong pressure was exerted to secure the modification of the law as to jurors so as to make easy the trial and conviction of Jefferson Davis. It was Sumner's hope that Davis would not be brought to trial; in any event he insisted that such a case "should be approached carefully, most discreetly, and with absolute reference to the existing law of the land."

Another subject upon which popular feeling was much wrought up was retaliation against England for her breaches of neutrality during the war. The British government still refused to acknowledge any wrongs on its part in connection with the Confederate cruisers, built in British ports, which had wrought havoc upon American shipping. Accordingly the House Committee on Foreign Affairs in-

nor Colorado is yet a state, and I trust that neither will be a state so long as they continue to insult Heaven and earth with their infamous Caste Constitutions." Sumner Corr., Harvard Library. Dec. 26, 1866.

troduced a bill for modifying the neutrality acts so as to permit American citizens to sell ships to either belligerent in a war when the United States should be a neutral, and repealing the prohibition upon Americans' fitting out expeditions against a country with which the United States was at peace. This bill passed the House by a unanimous vote. Probably no man in public life rated as more grievous the injury which England's negligence had inflicted upon the United States than did Sumner, yet he insisted that "our own country should be kept firm and constant in the attitude of justice." This House measure reached the Senate Friday afternoon. It had already been voted that the session should end at four o'clock on the following day. The bill was referred to the Committee on Foreign Relations, and Sumner determined that it should not be acted upon. The hotheads were bound to call it up, but Sumner came to the evening session armed with a formidable array of books and announced to those near him that he was "good for five hours at least." From seven in the evening till seven in the morning he kept his vigil. Toward noon of the final day the motion was made to take up the bill, but Sumner instantly took the floor, announcing that he would speak all the remainder of the session, if necessary, to bring about its defeat. The advocates of the measure therefore gave up the fight. The responsibility was a grave one, but he was ready thus single-handed to oppose what he deemed an injustice, even though it were embodied

in a bill which was heartily approved by the people, which had passed the House by a unanimous vote, and which was sure to pass the Senate if for a single moment he should relax his resistance.[1]

During this session was passed a most useful measure which Sumner had been the first to propose in his earliest days in the Senate, fifteen years before,—a bill for the revision and codification of the statutes of the United States. His other legislative interests were very varied. He found time to advocate international copyright, the raising of the rank of our representatives at foreign courts, the adoption of the metric system, etc. His excessive labors brought serious reminders of the illness which had followed the Brooks assault, and he was obliged to submit to medical treatment and make a trip to the White Mountains for his health.

It was in June of this year that Sumner's mother died. She had been gradually failing, and the summons which called him from the Senate to her side was not unexpected. She had been proud of her famous son, and he felt a genuine affection for her. All the members of his family, with the exception of one married sister, were now dead. A few months later Sumner made an ill-advised marriage which led only to disappointment and divorce. Bereavement, the break-up of his Boston home and

[1] A writer in the *Pall Mall Gazette* declared: "No other man could have arrested by his single voice a measure unanimously passed by the House." December 26, 1866. Pierce, Vol. IV, p. 292.

the wreck of his own long-deferred hopes of domestic joys, all coming upon Sumner in a single year, aged him greatly. His health was impaired, and the severe contests of the coming years found him more stern and less tolerant of opposition than in the early part of his career.

The recess did not narrow the breach between the President and Congress. During the summer Johnson had "swung round the circle" on a political tour, and in his speeches had repeatedly referred to Congress in most contemptuous terms as "hanging upon the verge of the government, as it were; a body called, or which assumes to be, the Congress of the United States, while, in fact, it is a Congress of only a part of the United States." Shortly after the completion of this unprecedented tour, Sumner delivered in Boston an address on "The One Man Power *vs.* Congress." It was a scathing indictment of the President, charging him with having done more mischief, in the same space of time, than any other ruler in all history. He frankly attributed Johnson's change of attitude toward reconstruction to defects in his character and to the influence of unwise counselors, among whom he did not hesitate to specify Seward. The fall elections showed that the country at large was in pronounced opposition to the President, and on the very first day of the session a bill was introduced into the Senate "to regulate the tenure of offices." It was under debate for several weeks. Sumner urged its extension to a large number of officers whose appointment hith

erto had not required confirmation by the Senate. The bill was vetoed by Johnson, but on the same day it was passed over his veto by both houses by votes of nearly three to one. Its intention was to strip the President of much of his power. The debates upon it aroused intense feeling. Sumner denounced Johnson as "utterly unprincipled and wicked," "the author of incalculable woe to his country," "the successor of Jefferson Davis, in the spirit by which he is governed and in the mischief he is inflicting on his country." The possibility of an impeachment was constantly in mind, and a Maryland senator declared that such language from Sumner ought to disqualify him from acting as a judge in the event of an impeachment trial.[1]

The equal suffrage issue was now to be fought through to the end. In the first month a bill for equal suffrage in the District of Columbia was carried, and passed over the President's veto.[2] Then the bill for the admission of Nebraska was again

[1] Dewitt, *Impeachment and Trial of Andrew Johnson*, pp. 189, 191, 219, 229, 231.

[2] As early as 1864 Sumner had sought to ensure equal suffrage in the District of Columbia. McPherson, p. 241. By the law of 1878 all participation of residents of the District in electing their local government was brought to an end and the present system of government by an appointed commission was instituted. It is said that this change (which may well have been inevitable, in order to secure national control over the seat of the national government) was hastened by the melancholy results of the experiment of submitting the government of the District to an electorate consisting largely of illiterate negroes. Corruption was rife and the District was brought to the verge of bankruptcy.

urged, and promptly Sumner's supporter of the previous session moved an amendment requiring equal suffrage. Objections were strongly set forth, —in particular, that such a condition could be imposed only on states lately in rebellion, and that this would require in Nebraska a restriction not found in many states already in the Union. Sumner argued against any exclusion as "odious and offensive," and exerted himself to arouse popular sentiment outside the Senate which might affect senators' votes. The measure received a majority of two on a test vote, and secured a two-thirds vote when vetoed. The winning of equal suffrage in a state where reconstruction issues were not involved was a veritable triumph for Sumner. The tide had turned: the next day, without debate, a bill was passed prohibiting in the territories any suffrage discrimination on account of race or color, and this became a law without the President's signature.

It will be remembered that Sumner never was satisfied with the form of the Fourteenth Amendment, which impliedly allowed suffrage discriminations on account of race or color under penalty of a proportionate loss of representation. He was, therefore, not at all disposed to take the position of most of his Republican colleagues, that if the Johnson legislatures in the seceded states would ratify this amendment, the restoration of those states to normal relations with the Union would be complete. Sumner insisted that formal declaration should be made that this amendment "is in no respect an offer,

which, if accepted by them, will bind Congress to receive them back. In one word, it is only an instalment, and not a finality." [1]

The unanimity with which the Southern states rejected the Fourteenth Amendment, the discriminations which they were enacting against the freedmen and the race riots, particularly that of July 30th in New Orleans, were potent influences in bringing Sumner's colleagues to his way of thinking, and "thorough" became the reconstruction watchword of Congress.[2] When the Stevens bill,[3] for the division of the seceded states into military districts and their government by military authority, came from the House to the Senate, it gave rise to so much disagreement that a caucus of Republican members was called to decide upon the party's stand, and a com-

[1] Letter to F. W. Bird, Jan. 10, 1867. The Amendment was then pending before the Massachusetts General Court. Sumner wrote: "I think it best to adopt the amendment," but since it was by some considered "as an offer to the rebel states," he urged that report or resolution should make the above declaration. Pierce, Vol. IV, p. 311.

[2] Rhodes, Vol. VI, p. 30.

[3] This was a substitute for the bill from the joint Committee on Reconstruction in the last session, which had virtually made ratification of the Fourteenth Amendment the sole additional condition precedent to the according of representation to the Southern states. Stevens had "carried this bill through an unwilling House. . . . He had obtained his majority by sarcasm, taunts, dragooning and by cracking the party whip. There had been no such scene in Congress since Douglas carried his Kansas-Nebraska bill through the Senate." Rhodes, Vol. VI, p. 17. It passed the House February 13th, and on that same day was given its first reading in the Senate, where a project of similar character had already been introduced by Senator Williams.

mittee of seven was then appointed to consider the matter. After a vain attempt to persuade the committee to add equal suffrage to the conditions to be required in their constitutions before the seceded states should be admitted to representation in Congress, Sumner, although but one other member of the committee agreed with him, gave notice that he should appeal to the caucus. This he did, and the result was a vote of seventeen to fifteen in favor of imposing this condition. The vote was accepted as binding upon the Republicans in the Senate, and it therefore proved decisive of the whole suffrage question. This bill, which in effect abolished all the Johnson governments in the South, was carried over the President's veto.[1]

Both at this session and at the one which immediately followed it, Sumner strove most earnestly to impose, as further requisites of reconstruction, the provision of homesteads for the freedmen and of free schools in which there should be no discrimination as to race or color. But the majority accepted the view of Sherman and Frelinghuysen, that the addition of further supplementary conditions would be discouraging and distracting as well as imposing an enormous burden upon impoverished states. By a tie vote on March 16th his effort to add this feature to the supplementary Reconstruction Act was defeated. To the end of his life Sumner felt deep dis-

[1] March 2d. A detailed account of the various steps leading to the passage of this bill is given in Blaine, Vol. II, p. 250–262. Rhodes, Vol. VI, pp. 13–21.

appointment at this failure to secure free schools and homesteads,—a disappointment which at the time was so bitter that, as he confessed to George F. Hoar, "he left the Senate chamber, and when he reached his house, grief found vent in tears."[1] When the evil consequences of negro suffrage are laid to Sumner's charge, it is but fair to recall that in his plan equal suffrage was to be associated with homesteads and opportunities for free education.

From time to time in these debates Sumner could not refrain from reminding his colleagues that they had repeatedly changed their views and come to support the policy which they had at first scorned. This made their yielding by no means more pleasurable, and did not increase his colleagues' good-will toward him. The Democrats, too, taunted the Republicans with their inconsistencies, and Buckalew made one of the most accurate characterizations of Sumner when he called him "the pioneer of agitation in the Senate," whose measures when made were criticized by all his colleagues as extreme, inappropriate, and untimely, "but were supported by them the next year with a zeal and vehemence even greater than his."[2] Two such anticipations of his party's policy came at this session in Sumner's unsuccessful efforts to get the word "white" stricken from the naturalization laws and to get a bill passed prohibiting exclusion from office or from jury service in the District of Columbia because of race or color.

[1] Pierce, Vol. IV, p. 317.
[2] *Congressional Globe*, March 16th, p. 170.

This special session of Congress, held in order to keep a tight rein on the President and mainly devoted to angrily debated measures for the carrying out of reconstruction, is memorable for one act of a totally different character,—the purchase of Alaska. Seward had carried on the preliminary negotiations in secret, and when Sumner, in response to an urgent summons, came to the secretary's house late on the evening of March 29th, he was astounded to find that Russia's consent had been obtained, and that at that moment the treaty was being copied to be sent to the Senate for ratification. On the following day it was presented and immediately referred to the Committee on Foreign Relations. Sumner had promised to use his influence to secure favorable action. Yet he confessed to friends that the Russian treaty tried him sorely. He had no liking for territorial acquisitions that did not come with the free consent of their inhabitants. But the question was so complicated by politics, by a desire to meet the wishes of the West and to coöperate with Seward and with the Johnson administration when it was doing a creditable thing, and by the engagements into which Seward had already entered, that Sumner was unwilling to take the responsibility of opposing it.[1] Moreover, he was already captivated by the vision of "a republic coextensive with the continent." In the Senate and in the press there

[1] Pierce, Vol. IV, p. 325, gives these as the grounds which Sumner at the time told him determined his support of the treaty.

was much ridicule of the purchase of a "barren, and worthless God-forsaken region," which produces "nothing but icebergs and polar bears." Punsters called it "Walrussia." The treaty was in committee a week and then Sumner reported it favorably, Fessenden being the only dissenter. In the executive session, April 9th, Sumner made a carefully prepared speech of three hours in which he set forth the political and economic advantages of the purchase so convincingly that the treaty was ratified by a vote of thirty-seven to two. The speech was later amplified, and stands to-day as a marvelously comprehensive presentation of the resources of the unknown "Russian America."[1] "Alaska," as its far-stretching peninsula was called, was by Sumner applied to the whole territory, and by Seward's decision the name became fixed. In this speech Sumner did not fail to enter his protest against the treaty's having been fully negotiated without any consultation of the Senate, and against its serving as a precedent for "a system of indiscriminate and costly annexation,"—a most timely protest, for within a few months Seward submitted a treaty with Denmark for the annexation of St. Thomas,—a scheme which secured the approval of not a single member of the Senate Committee on Foreign Relations.

The months of the recess Sumner devoted to two literary tasks. The first, a paper entitled "Prophetic Voices Concerning America," was a collection

[1] *Works*, Vol. XI, pp. 186–349.

of predictions relating to the American continent and to the United States, principally from foreigners, and ranging from those sayings of poets and philosophers which may have inspired Columbus, to those of Sumner's own friends, Cobden and de Tocqueville. On the very day of his death, Sumner was at work upon the proof-sheets of a revised edition of this monograph which was being brought out in anticipation of the centennial celebration in 1876. His second task was the preparation of a lecture which he used in the fall of 1867 on a tour through the West as far as St. Louis and Milwaukee. His theme was "The Nation," and the lecture served as a means of impressing upon the public the views which had underlain his Senate speeches on reconstruction. He traced the development of unification in history and dwelt upon the steps which had made for the nationalization of the people of the United States. Chief stress was laid upon the power and duty of the central government to guarantee and maintain absolute equality of political and civil rights against any state interference. Critics even among Sumner's friends did not fail to note the one-sidedness in his thought, which seemed to regard the state as nothing but an administrative convenience, and took little heed of any dangers from centralization.

In the spring of 1868 retaliation, incited by resentment against Great Britain, was again under discussion. The House bill not only vigorously asserted the right of expatriation, but, under Fenian

influence, it added two extraordinary provisions: In case of the unwarranted arrest and detention of an American citizen by a foreign government, the President of the United States might suspend commercial intercourse with the offending government, or he might retaliate in kind by ordering the arrest and detention of any subject or citizen of that government found within the United States. This preposterous measure passed the House by a vote of 104 to 4, eighty-one not voting. In spite of urgent pressure in the Senate to secure prompt and favorable action, Sumner held up this measure for two months, and when it finally came from his committee, there had been substituted for the retaliatory provision a requirement that the President report to Congress any case of the arrest or detention of American citizens abroad, with a view to a prompt securing of their rights. In the ensuing debate Sumner denounced the House retaliatory measure in detail as "nothing less than monstrous and utterly unworthy of a generous republic hoping to give an example to mankind"; he called attention to the prodigious powers which it lavished upon the President and the outrages upon entirely innocent strangers which it authorized. The opposition in the Senate was successful in defeating the most obnoxious features of the bill, but Sumner could not prevent the addition of an amendment giving to the President the authority to "use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate a release" of any

American citizen unjustly deprived of his liberty while abroad.

The session of 1867–8 was largely devoted to the impeachment proceedings against President Johnson. Sumner's first impressions favorable to the President had long since given place to a settled conviction that he was the chief menace to the country. Impeachment had his hearty approval. Long before the process was actually initiated, and consistently throughout the trial, Sumner took the ground that this was a political rather than a judicial proceeding, alleging as his justification for this view that whereas the Constitution vested judicial power in the courts, it gave to the Senate the power to try impeachments. Hence the fact that he was a member of the body before which the President might presently be placed on trial, did not lead him to place any curb, in the Senate or out of it, on his denunciations of Johnson's misdeeds; and his oath, taken with other senators at the beginning of the trial, to "do impartial justice according to the Constitution and the laws," did not constrain him to attempt a judicial attitude of mind or to insist upon the safeguards ordinarily thrown about the accused. Whenever Sumner appears in these proceedings, it is in the act of urging a verdict in the case of a criminal whose guilt has already been proved. Thus, on the eve of the trial, he challenged the credentials of the man just elected to the Senate by the Maryland legislature on the ground that that state did not have a republican

form of government, and moved that his credentials be referred, the effect of which would have been to exclude a probably friendly judge during the coming trial. But few senators supported this project. Sumner protested against the right of the Chief-Justice, under the constitutional rule, to decide or vote upon any question, but argued in favor of the right of Wade, who, as president *pro tem.* of the Senate, would succeed to the presidency in the event of Johnson's removal, to vote on all questions. He favored hastening the despatch of business by admitting "all evidence on either side not trivial or obviously irrelevant." [1]

As the trial was drawing to a close, the bill for the admission of Arkansas under her reconstructed government was under discussion. In reporting the

[1] Among Sumner's correspondents were many who accepted his view that an impeachment trial was not a judicial proceeding but a process of removal. When Johnson appointed Grant Secretary of War, Sumner sent to Stanton a note containing the single word "Stick!" This called forth enthusiastic plaudits. "I shall always remember the eloquence of the word for the exigency, 'Stick!' The great War Secretary will 'stick.' Now there is a word for the next exigency. Say to the Senate, when it comes to the trial, 'Quick!'" (Jas. M. Stone, Feb. 24, 1868.) Edward L. Pierce wrote, March 4, 1868, "Cautious and conservative men . . . now wish it [the impeaching] done as the only way to peace. To retain their support, the prosecution must not be languid and procrastinating. Its success depends on its speed." W. S. Robinson, April 13, 1868, writes: "I think your votes to admit testimony are right. They will prevent a clamor, and they help destroy the stupid pretense that the Senate is to be bound by court rules." Many others write in similar vein, and W. L. Garrison, May 2, 1868, subscribes his letter: "Anxiously waiting for the ignominious dismissal of a perfidious and usurping President." Sumner Corr., Harvard Library.

bill in the House at this time, Stevens had plainly hinted that two more judges might be needed in the Senate. When the question was raised in the upper house whether, if these Arkansas applicants were now admitted to the Senate, they could become members of the court of impeachment, Sumner's unhesitating reply was: "Of course they can be." Senators were allowed to file opinions, and eighteen of the thirty-five who voted for conviction did so. Longest and most elaborate of all was that of Sumner. He and only one other of the eighteen in their opinions sustained each and every count in the articles of impeachment, Sumner declaring that he would "vote, if he could, 'Guilty on all and infinitely more.'"[1]

It must be confessed that in this opinion, carefully elaborated and filling more than thirty printed pages, Sumner is seen at his worst. Lurid and furious invective largely take the place of argument. "Andrew Johnson is the impersonation of the tyrannical slave power. In him it lives again. He is the lineal descendant of John C. Calhoun and Jefferson Davis." He is "the attorney of slavery, —the usurper of legislative power,—the violator of law,—the patron of rebels,—the helping hand of the rebellion,—the kicker from office of good citizens,— the open bunghole of the treasury,—the architect of the 'Whiskey Ring,'—the stumbling-block to all

[1] *Works*, Vol. XII, pp. 318-410. Trial of Andrew Johnson. Published by order of the Senate, Vol. III, p. 247. Dewitt, *The Impeachment and Trial of Andrew Johnson*, pp. 581-586. See also Dewitt, pp. 568, 584, 587.

good laws by wanton vetoes and then by criminal hindrances."[1] Sumner's lax interpretation of any constitutional provision which seemed to stand in the way of reaching what he thought to be justice received repeated illustration: "Show me an act of evil example or influence committed by a President, and I show you an impeachable offense." He asserted that the court of impeachment was not to be confined by "the rigid rules of the common law," but had "rules of its own, unknown to ordinary courts." "The ordinary rule of evidence is reversed. If on any point you entertain doubts, the benefit of those doubts must be given [not to the accused but] to your country." The President "must show that his longer continuance in office is not inconsistent with the public safety." He referred to Johnson's loose speech and intemperate habits with a deliberate and brutal frankness such as he had earlier directed against Butler and Mason. He declared: "This is a political proceeding, which the people at this moment are as competent to decide as this Senate. They are the multitudinous jury. . . . In nothing can we escape their judgment, least of all on a question like that now before us."

The vote upon the impeachment charges lacked one of the number necessary to convict. Sumner found solace in declaring: "The President was saved by the skin of his teeth. He was saved by one vote. I call it a nominal acquittal. There

[1] Dewitt, pp. 584–585.

is . . . a moral judgment against him." Yet it was soon recognized even by Republican leaders, that the attempted impeachment had been unwise and that the large vote for conviction was to be attributed to party feeling rather than to the strength of the case against Johnson. Sumner often showed rare gifts of foresight, but he never dreamed that within forty years of his fierce onslaught upon Johnson there would be general acquiescence in the verdict of the judicious historian, Mr. James Ford Rhodes: "The impeachment managers did not prove their charges and the minority of the Senate undoubtedly gave a righteous judgment. . . . The glory of the trial was the action of the seven recusant senators." Sumner's intense feeling and extravagant language must be attributed to his disappointment at Johnson's general policy as to reconstruction, and in particular to his shift as to equal suffrage, which in Sumner's opinion was then the one all-engrossing need. In this lay Johnson's "bare-faced treachery"; it was this which made him the one "enormous criminal" of his century.

In the closing months of Johnson's administration, financial matters occupied much of the attention of Congress. Under the exigencies of the war, the public debt had mounted to appalling proportions, and various measures intended to ease if not to evade that burden met with favor both before the public and in Congress. Some of these, particularly the widely-advocated scheme for redeeming

national bonds in legal tender notes, seemed to New England business men to involve serious menace to the public credit, and it was at their earnest insistence that Sumner undertook to deal with the subject. With little taste for the study of problems of public finance, Sumner nevertheless showed a keen insight into the best sources of information, and sound sense and growing skill in handling such matters. In the middle of July he made a comprehensive and temperate speech in the Senate, in which he emphasized the fundamental importance of safeguarding against even suspicion the public credit, and strongly opposed any proposition to redeem national bonds in anything else than coin. He advocated the funding of the public debt in long-term bonds, and the simplification of the internal revenue system, and urged a prompt return to specie payments. This speech was of salutary influence in the Senate—where even Sherman, chairman of the Senate Committee on Finance, had given a qualified approval to the "Ohio idea" of redeeming national bonds in greenbacks[1]—and before the country, greatly strengthening Sumner's reputation among conservative men of affairs. A few months later, they were somewhat aghast to hear Sumner advocating the resumption of specie payments at as early a date as July 4, 1869. Having convinced himself that such a step was right, it was characteristic of him to underestimate the reasons which were to delay it for ten years.

[1] E. P. Oberholtzer, *Life of Jay Cooke*, Vol. II, p. 39

In the closing session of the Fortieth Congress, 1868–9, the Fifteenth Amendment was much under discussion. To the surprise of his colleagues, Sumner did not take an ardent interest in this measure. In the first place, he believed it unnecessary, holding the view—which few shared—that Congress already had adequate power to prevent discriminations because of race or color as to the suffrage. Moreover, he feared that the agitation of the proposed amendment, by convincing the states that they still had the power to make the offensive discriminations, would prevent the ratification of the Amendment and lead to worse discriminations in the future. He insisted that any further amendment ought to be broad enough to comprehend all civil and political rights, and not merely the ballot. In his speeches he again set forth his startling thesis that "anything for human rights is constitutional," and inveighed against those who tried to emphasize the constitutional autonomy of the states as if they were "states rights" men of secession days. Yet after the amendment had secured the approval of Congress, he gave it hearty support.

CHAPTER XVI

SUMNER AND GRANT: THE SAN DOMINGO ISSUE

EVEN before the end of the war it became evident that General Grant would make the strongest candidate for the presidency in 1868. To be sure, his political affiliations were somewhat in doubt: his last vote had been cast for Buchanan, but controversy with Johnson, whose principal defenders were among the Democrats, probably now led Grant to align himself with the Republicans. To a man of Sumner's character and career, and of his repugnance to war, the candidacy of a man of no proved capacity for the tasks of civil government and whose sole ground for fame was his distinguished military service, could not make a strong appeal. A year before the election was to take place, the political situation was discussed at an informal gathering of eight or ten senators, representatives and army men in Washington. Every man present, with the exception of Sumner, favored Grant's nomination; but Sumner earnestly opposed the choice, insisting that far from strengthening the party, it would be a confession of weakness.[1] Although the Massachusetts senator acquiesced in the nomination when made and nowhere in

[1] Cincinnati *Commercial*, July 19, 1891, gives account of this conference of Nov. 6, 1867. Pierce, Vol. IV, p. 358.

public letter or speech opposed it, it is probable that Grant knew from one of the men present at that early conference—an intimate friend of the general, who later did him much harm as an adviser and tale-bearer—of Sumner's disbelief in his qualifications for the presidency, and that this knowledge affected his attitude toward the senator.

Sumner's nomination to succeed himself was made by acclamation in the state convention, and in the legislature a few months later he was reëlected for a fourth term by a vote almost unprecedented for its unanimity.[1] Massachusetts took pride in Sumner who was now to be the senior member of the Senate in length of service. Since the beginning of the war he had been its most conspicuous leader; his distinguished service as chairman of the Committee on Foreign Relations, the conversion of the Senate to his reconstruction policies, and his skilful handling of matters of public finance had all combined to bring him high prestige. In the mind of the public, he measured up to the standard of the old Senate, in the days when "there were giants in the land." His name had been much canvassed in connection with other positions. In 1864 Lincoln was considering a change in the State Department and led Sumner to believe that he would have been obliged to decide whether he would supersede Seward, had the President lived. Lincoln may well have thought that this would at once give him an effective Secretary of State and remove from the

[1] Senate, 37 to 2; House, 216 to 16.

Senate the chief obstacle to his reconstruction policy. At the time when it seemed likely that conviction in the impeachment trial would make Wade President, he talked over possible appointments confidentially with Sumner, and it was believed that he intended him for the head of the Department of State.[1] This position as well as that of Minister to the Court of St. James was mooted after Grant's election was assured. But it is doubtful whether Sumner would have accepted any such change. As he wrote to Lieber: "The headship of the first committee of the Senate is equal in position to anything in our government under the President; and it leaves to the senator great opportunities."

On the evening following Grant's inauguration, Sumner entertained at dinner two friends of many years' standing, Hamilton Fish and John Lothrop Motley, the historian. In the genial flow of that evening's conversation, little did Sumner and Fish suspect that there were soon to arise between them misunderstandings and controversies which were to embitter the remaining years of Sumner's life.

Entirely inexperienced in civic affairs, the new

[1] The assurance that Johnson was about to be removed from office appears in many of the letters from Sumner's correspondents. Edward Atkinson feared that Wade was so unsound on the currency question that his succession to the presidency would be of doubtful benefit. F. W. Bird and others urge Sumner, if he is to head Wade's cabinet, to postpone his acceptance of the position until the final adjournment of the then Massachusetts legislature, from whom they feared that the election of a worthy senator could not be secured. (Sumner Corr., Harvard Library.)

President made his appointments without consulting senators or representatives, and in many cases seems to have been guided solely by his personal acquaintance or by the judgment of intimate friends, mostly connected with the army. Thus, to the position of Secretary of the Treasury he appointed A. T. Stewart, the New York millionaire merchant. In the Senate the point was raised that Stewart was disqualified for this office under the Act of the First Congress which expressly excluded any person "directly or indirectly concerned in carrying on the business of trade or commerce." An attempt was made forthwith to repeal this disqualifying clause, and later, at Grant's formal request, to pass an act exempting Stewart from the application of this Act. Both of these projects were blocked by objections interposed by Sumner, who insisted that such unprecedented action ought not to be taken hastily or without profound consideration. When once attention was directed to what was involved, enough senators were found to agree with Sumner's view to make prompt confirmation improbable; Stewart's name was accordingly withdrawn. Judge E. Rockwood Hoar was called from the Supreme Court of Massachusetts to the position of Attorney-General. The post of Secretary of State was awarded to E. B. Washburne as a compliment, to be held but for a week. When the permanent appointment was announced, it came as a surprise both to the public and to the nominee, himself. The President's choice for his chief official adviser fell upon Hamilton Fish,

whose guest he had from time to time been in New York. Fish had high standing in the financial centre of the country, and Grant may well have felt that a conservative New York man would prove a desirable element in his cabinet as a partial offset to others of a very different type. Moreover, Fish was not without experience in public life: he had served one term each as governor of New York, as representative in Congress, and as senator, taking his seat in 1851 at the same time with Sumner; but each of these terms of service was ended without exceptional distinction.

His record was not of a nature to commend him to Republicans at the polls. During all the Kansas-Nebraska debates in the Senate, Fish had had not one word to say; on the question of the repeal of the Fugitive Slave Law, he once voted to sustain the law and two years later withheld his vote. He had been thoroughly out of accord with Seward, particularly upon the latter's policy toward slavery, and confessed that only after "much embarrassment in determining the course which duty required" did he bring himself to vote for the Republican candidates in 1856. His later attitude toward the party had been unenthusiastic and sharply critical. In 1863, in urging Sumner to use his influence to secure a higher grade of appointments in the diplomatic service he wrote: "I see country and government and nationality fading and passing away amid the riot of vulgarity, violence and corruption, and under the rule of imbecility and vacillation."[1]

[1] Jan. 27, 1863. Pierce, Vol. IV, p. 377.

In their old days together in the Senate, despite his disappointment at Fish's lack of sympathy with his anti-slavery efforts, Sumner had early formed an intimacy with his colleague, and no guest was more welcome in the New York senator's home, where in Mrs. Fish Sumner found a high-minded friend who followed each step of his career in the cause of freedom with ardent sympathy and encouragement. After Fish's retirement from the Senate Sumner kept up a correspondence with him, and visited him often in New York City and at his country home. He was admitted into family confidences such as are open only to the closest intimates, was pressed with thanks for letters which brought to the Fishes the hospitalities of Sumner's best friends abroad, was sought out by them for a call of loving sympathy when he was undergoing the *moxa* in Paris, and most warmly welcomed upon his return to America. To Sumner, therefore, the announcement of Fish's appointment was most gratifying. Hardly a week had passed since that dinner at Sumner's house, when he received a confidential letter from Fish, stating that he had reluctantly decided to go to Washington "to undertake duties for which I have little taste and less fitness. . . . In yielding, I hoped that I could rely upon your friendship and your experience and ability, for your support and aid to supply my manifold deficiencies." In genuinely pathetic vein, the letter dwells upon his great reluctance to accept the position, and ends with a request that Sumner come to see him

before it should be necessary for him to attend a cabinet meeting.[1]

In the first months of the new administration Sumner's relations were cordial both with the President and with his Secretary of State. As might be inferred from Fish's comments on appointments made during Lincoln's first term, he and Sumner were in hearty accord as to the type of men desirable in the diplomatic service. Fish continued to seek Sumner's counsel, not only as to appointments but as to difficult questions which arose within the department; indeed, this intimacy was noted as quite beyond precedent between men occupying their respective official positions. Secretary Fish at first found his new office far from congenial; he wrote to Sumner that he most sincerely wished himself out of the department. He intended to withdraw before the meeting of Congress, but in midsummer reluctantly determined to fill out one year of service.

By far the heaviest responsibility that devolved upon the State Department when Fish came to its head was the adjustment of the differences with Great Britain; and his task was greatly complicated by the mistakes made under the previous administration. In the summer of 1868, Reverdy Johnson, a senator from Maryland, had been appointed Minister to England. He was an able lawyer, and, though lacking in diplomatic experience, was unanimously confirmed as a more satisfactory selection than any other likely to be made by President

[1] March 13, 1869. Pierce, Vol. IV, p. 379.

Johnson. But in England he showed little discretion. He was enamored of his own speechmaking and he soon disgusted Americans by the friendliness of his advances toward those who had aided the Confederates. It was not Seward's expectation that he would concern himself with the great subjects of controversy then pending between the United States and England; but, notwithstanding the fact that in November the administration to which he owed his appointment had been thoroughly discredited at the polls, he assumed to negotiate a treaty covering the grievances of the United States against England. This Johnson-Clarendon Convention, dated January 14, 1869, was in the hands of the Committee on Foreign Relations when the new administration came into power. Under the circumstances, the most critical appointment to the diplomatic service was that of Minister to the Court of St. James, and for this post the selection fell upon John Lothrop Motley. His name had been suggested by Sumner in a list with several other possible appointees for foreign posts, and there is no doubt that Sumner's friendship for the man and his characteristic overvaluation of literary distinction enlisted him strongly in Motley's support. But that he was "Sumner's man," and appointed principally because of his urgent solicitation, there is little ground to believe.[1] Motley

[1] G. S. Boutwell, in *Sixty Years of Public Life*, Vol. II, p. 214, asserts that Grant told him: "Such was my impression of Motley when I saw him that I should have withheld his appointment, if I had not made a promise to Sumner."

had enjoyed pleasant relations with Fish for many years ; in the recent campaign he had made a brilliant speech highly eulogistic of Grant, and in the month preceding the inauguration he had been thrown much in Grant's society at Washington. That Sumner's support was a mere incident in procuring an appointment which was natural both because of Motley's friendship with Grant and with Fish, and because of his international reputation as the historian of the Dutch Republic, is the more probable from the fact that the appointment of Dr. Howe as Minister to Greece, which Sumner did most earnestly urge, was refused.

On the 12th of April Motley's nomination was confirmed by the Senate, and on the following day he was commissioned as Minister to England. On that same day Sumner presented the adverse report from his committee upon the Johnson-Clarendon Convention. This agreement had secured the approval of not a single member of the committee, although Sumner had urged its most careful consideration, declaring, as the committee's vote was about to be taken : " We begin to-day an international debate, the greatest of our history, and, before it is finished, in all probability the greatest of all history." Since the beginning of the war Sumner had been doing his utmost to allay unreasonable passion against England ; but during these years his sense of the injury inflicted upon the United States had not grown less. Probably it would have been better if Sumner had kept silent. It was

known that the convention stood not the slightest chance of being ratified but as Fessenden caustically remarked: "It was not possible for Sumner to omit to avail himself of such an occasion."[1] In his present speech he criticized the pending convention as utterly inadequate in that it provided only for the settlement of individual claims, made no expression of regret for injuries of the past, declared no past rule of international duty and laid down no such rule for the future. He directed the severest condemnation against England's precipitate concession of ocean belligerency, the Queen's proclamation having been issued on the very day of the new minister's arrival, as if to forestall any negotiations he might be authorized to make. He therefore grouped our grievances under three heads: The first consisted of the claims of individuals for damages wrought by the *Alabama* and other cruisers; upon these he accepted Cobden's estimate of $15,000,000. For a second claim for "damages to commerce driven from the ocean" he suggested that the compensation should be $110,000,000. There still remained "that other damage, immense and infinite, caused by the prolongation of the war, all of which may be called *national* in contradistinction to individual." These "national claims," which he was here the first officially to advance, and which were to be for years much in controversy, he did not venture to estimate; but he did declare that the cost of suppressing the rebellion had been more than $4,000,000,000, and

[1] J. B. Moore, *International Arbitrations*, Vol. I, p. 508.

that through British dereliction, largely in the concession of belligerent rights upon the ocean, the war had been "doubled in duration. . . . England is justly responsible for the additional expenditure."

This speech of an hour, which probably changed not a single vote on the pending treaty, played no small part in the later controversy.

What Sumner here sought to accomplish, as Carl Schurz later declared, was "not to extort from England a large sum of money, but to put our grievance in the strongest light; to convince England of the great wrong she had inflicted upon us and thus prepare a composition which, consisting more in the settlement of great principles and rules of international law to govern the future intercourse of nations than in the payment of large damages, would remove all questions of difference."[1] The convention was rejected in the Senate by a vote of fifty-four to one. Sumner's speech, as the British minister reported to his government, was "received with vehement applause by the whole Republican press." It certainly accorded with popular sentiment, which was still sore at the attitude and action of the British government during the war. Sumner had consulted with Grant before the speech and received his thanks and congratulations after it.[2] He also

[1] Eulogy on Sumner, *Massachusetts Memorial of Charles Sumner*, p 234.

[2] Letter to Longfellow, May 25, 1869. Even so discriminating a critic as Lowell wrote to Sumner within ten days after the speech: "I think you have struck exactly the true note—expressing the *national* feeling with temper and dignity." (April

had assurance of Secretary Fish's general accordance with the positions which he had there taken.

Though Sumner considered that his speech was "pacific" in tone, it had a very different sound to others. In England it aroused intense bitterness. Even John Bright, who throughout the war had been carrying on a most intimate and sympathetic correspondence with Sumner for the purpose of preventing any injury from England to the Northern cause, now declared that he "supposed the speech was Sumner's bid for the presidency" and that he (Sumner) "was either a fool himself, or else thought the English public and their public men were fools." The question was on every one's lips, What does he intend shall be the outcome? Sumner called England to an accounting for damages "immense and infinite," yet urged neither haste nor force. Charles Francis Adams probably penetrated the mystery, when he declared that intimations had been made to him that "the end of it all

22d. Sumner Corr. MS., Harvard Library.) But another ten days had not passed before misgivings arose. To E. L. Godkin he wrote: "I fear it was not a wise speech. Was he not trying rather to chime in with that [national] feeling, than to give it a juster and manlier direction?" (May 2d. *Letters*, Vol. II, p. 29. See also pp. 26, 41.) But it was not Sumner's habit to try to "chime in with" others' feelings or beliefs. If he is to be blamed, it is for bias and one-sidedness rather than for lack of independence or of purpose to lead in the right direction. Of this speech Rhodes says: "Of all the outrageous claims of which our diplomatic annals are full, I can call to mind none more so than this." He emphasizes the fact that the "pacific" tone of its conclusion by no means accords with the main body of the speech which was distinctly exasperating. Vol. VI, p. 339.

was to be the annexation of Canada by way of full indemnity." [1]

In the summer of 1865 Grant had indicated that he regarded Great Britain's conduct during the war as a grievous wrong to the United States; and his notions of compensation were restrained neither by Sumner's love for England nor by Sumner's hatred for war. Only a few months after Lee's surrender, he told Sumner that he "cared little whether England paid 'our little bill' or not; upon the whole, he would rather she should not, as that would leave the precedent of her conduct in full force for us to follow, and he wished it understood that we should follow it. He thought we should make more out of 'the precedent' than out of 'the bill,' and thought Boston especially would gain." [2]

But although the President held England to be grievously in our debt, and although he was a zealous expansionist, and believed that Canada could be secured by a short campaign, if war should ensue, and that in such a war we should have little to fear, his interest was now engrossed in quite another quarter. For some time an insurrection had been in progress in Cuba, and President Grant's sympathies were warmly enlisted in behalf of the insurgents. On June 9, 1869, Sumner had a long conference with the President, who proposed issu-

[1] Quoted by C. F. Adams in *The Treaty of Washington*, p. 103. This is the most comprehensive and painstaking study upon this subject.

[2] Letter from Sumner to Bright, Aug. 8, 1865, Pierce, Vol. IV, p. 255.

ing in aid of the Cubans a proclamation "identical with that issued by Spain with regard to us."[1] Later in the day Sumner called upon Fish, who had just been conferring with the British minister, and told Sumner that he had said to him "that our claims were too large to be settled pecuniarily, and sounded him about Canada, to which he replied that England did not wish to keep Canada, but could not part with it, without the consent of the [Canadian] population."[2]

Grant and Sumner were now at one in thinking that England had done us grievous wrong, for which the cession of British America would not be too great a compensation, and in being willing that the matter stand in an unsettled state, awaiting it might be a time when Canadian sentiment should approve a separation which the British government already looked upon with favor. But, on the other hand, Grant and Sumner were as far apart as the poles on this point: Sumner traced the root of England's wrong to the United States to that "fatal precedent," the Queen's proclamation conceding belligerent rights upon the ocean to the Confeder-

[1] Sumner, in letter to Motley, June 11, 1869. Moreover, this purpose he actually carried out, for late in the summer he drew up and signed such a proclamation, and sent it to Fish with orders to issue it; but Fish "put it away in a safe place," and in the course of a few days events had crowded in, which led Grant to be exceedingly grateful that Fish's conservatism had protected his administration from the mistakes into which his impetuous action was on the point of plunging it. C. F. Adams, p. 118.

[2] Sumner, letter to Motley, as above.

ates, while at this very moment the President's heart was set upon issuing a precisely similar proclamation in behalf of the Cubans.

But other complications were already in sight. Although balked in his Cuban programme, the President was not deterred from looking into another opportunity for Southern expansion, presented by the disordered conditions in San Domingo. For the moment, the adventurer, Baez, was in power in this pseudo-republic; but, not having enough force at his command to subdue the rival with whom for years he had been playing see-saw in government, he was doing his best to enlist the active intervention of the United States in his behalf. For some unknown reason, Grant held fantastically extravagant notions as to the resources and strategic importance of the island, and the project of a protectorate if not of annexation early secured his ardent support. A month after that day of earnest conferences over British claims and Cuban belligerency, the President sent one of his military favorites, Babcock, upon a man-of-war, with instructions which upon their face merely authorized him to make full inquiry into the resources of the island, the characteristics of the people and their views as to annexation. Nevertheless, the Secretary of the Navy ordered the commander of this war vessel to give Babcock "the moral support of his guns," and a month later a second war vessel was despatched to be at his service. In September this personal envoy returned, bearing a "protocol" which he

had assumed to negotiate for the annexation of the republic of San Domingo to the United States upon payment by the latter of $1,500,000. The most astounding thing in this unprecedented document was the pledge that "his Excellency, General Grant, President of the United States, promises privately to use all his influence in order that the idea of annexing the Dominican republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment."[1] A year or more later, President Grant declared: "General Babcock's conduct throughout merits my entire approval."[2] After conferences in Washington, Babcock returned to Dominica, under instructions from Fish and with a naval force under orders to "conform to all his wishes." On the 3d of December he concluded a treaty for the annexation of San Domingo and another for the lease of the Bay of Samana.

Meantime our relations with England had been getting more complicated. As a result of many conferences between Fish and Sumner, Motley's instructions had been framed. The task was made difficult by the President's wish to concede belligerency to the Cuban insurgents, and by the feeling which had been aroused in England by Sumner's speech in its arraignment of the British government while the French emperor escaped his condemna-

[1] N. Y. *Times*, June 28, 1870. Pierce, Vol. IV, p. 430.
[2] Letter to Senator Nye, June 27, 1870.

tion. The instructions were therefore so phrased as to recognize "the right of a power to define its relations to the parties in a civil conflict in another country," but they refused to admit the propriety of the Queen's proclamation, directing especial reprobation against it as "the beginning and animus of that course of conduct which resulted so disastrously to the United States," and as "foreshadowing future events." Furthermore, the instructions laid stress upon the fact that, while other powers were contemporaneous with England in similar concession, "it was in England only that the concession was supplemented by acts causing direct damage to the United States."[1] The diplomatic slate had been wiped clean of all previous writing by the rejection of the Johnson-Clarendon Convention. In midsummer (July 19th) Sumner wrote to Cushing: "It seems best that our case, in length and breadth, with all details, should be stated to England without any demand of any kind. England must know our grievances before any demand can be presented."

Sumner was Fish's guest at his country home in August and urged that the statement of our claims be again brought to the notice of the British government. On September 25, 1869, Fish sent to Motley a despatch, drawn by Caleb Cushing, which summarized the points of our case in such a way that British public men declared it was "Mr. Sumner's speech over again," and that it "out-

[1] J. B. Moore, *International Arbitrations*, Vol. I, p. 513.

Sumnered Sumner." The prospects of success of the Cuban insurgents had dwindled so that their recognition as belligerents was not now to be thought of. No longer restrained by that consideration, the President did not hesitate to insert in his annual message passages held in England to be decidedly menacing. In these he listed the American claims, not confining them to injuries to individuals, but closely following the enumeration of what Sumner had called "national claims," even including the increased rates of insurance, the decrease and transfer to Great Britain of our commercial marine, and "the prolongation of the war and the increased cost (both in treasure and in lives) of its suppression."

Despite this apparent agreement, some tension had already arisen between Sumner and the President and his Secretary of State. There had been differences of opinion as to the instructions to be given to Motley, and Sumner had assumed a dominating tone which Fish found none the less galling from the fact that his own deference to Sumner upon taking office made it not unnatural. "Is it the purpose of this administration to sacrifice me, —me, a senator from Massachusetts?" was Sumner's outraged inquiry, and later, in dissenting from a plan of the Secretary's, he declared: "I ought not in any way to be a party to a statement which abandons or enfeebles any of the just grounds of my country as already expounded by Seward, Adams and myself." Whether he had been especially insistent in urging Motley's appointment or not, there

can be no question that in Sumner's frequent and very voluminous letters, that minister found expositions of his duty and of American policy quite as direct and detailed as those received from the Secretary of State. Soon after Motley's appointment, Charles Francis Adams made the shrewd prophecy that the new minister would meet with one embarrassment which he himself had never had to encounter;—he would have to deal with two masters. And so at London it was presently found that Motley was representing Charles Sumner more distinctly than the Grant administration. In his very first interview with Lord Clarendon, he laid great stress upon the grievous offense involved in the proclamation of belligerency, a point which Fish believed Sumner's speech had overstrained and the very point which Grant at just that juncture was particularly anxious to have kept in the background.[1] On June 7th, so Sumner reported to Motley, Grant declared that he was satisfied Motley was "the best man for England." But the President, whose chronology is not always accurate, later declared that on receipt of Motley's report of this interview

[1] How widely and exasperatingly Motley in this interview departed from the spirit of his instructions and voiced Sumner's distinctive views is clearly brought out by J. B. Moore. (*International Arbitrations*, Vol. I, pp. 516–518.) Motley later asserted that he had sincerely endeavored to carry out his instructions. But the eminent historian surely showed here little skill as a diplomatist. "Instead of refraining from discussion, he precipitated it, suggesting 'the contingencies of war and peace' and confessing to a 'despondent feeling' as to the 'possibility of the two nations ever understanding each other.'"

—three weeks later than the above expression of approval—he was "very angry," and "went over to the State Department and told Governor Fish to dismiss Motley at once." This Fish did not do, but he presently gave Motley to understand that the entire discussion of the claims against Great Britain was transferred to Washington. To Sumner it was intimated that the reason for this step was that the Senate was there accessible for advice, and that in Washington there would be better prospect of securing a settlement "than where the late attempt at a convention resulted so disastrously." A year later, however, Fish declared that the change was made because of Motley's disobedience to instructions. It may be doubted whether his offense had reached that point, but there can be no question that the Secretary felt himself embarrassed by a minister who reflected so clearly Sumner's distinctive views, and that he determined to take the negotiation into his own hands and carry it through according to his own ideas.

President Grant's offhand announcement in cabinet meeting of Babcock's negotiation of the protocol for the annexation of San Domingo had met with a most embarrassing reception; and Fish, on general principles not favorably disposed to annexation toward the south, was in addition so affronted by the negotiation of a treaty without taking him, the head of the State Department, into consultation, that he pressed his resignation upon Grant, who earnestly besought him to retain his

portfolio, and finally secured his support even for the San Domingo project. Undaunted by these experiences, Grant now set out to secure the ratification of his treaties. He knew that Sumner was in position to have more influence than any other man upon the result, and with characteristic directness and ignorance of, or contempt for, formal procedure, he sought to assure himself of the senator's support. Early in January, 1870, Sumner was entertaining two friends one evening at dinner, when the President of the United States called. Recognizing the voice at the door, Sumner himself left the dining-room, and presently returned with Grant, who took a seat at the table, insisting that the other guests remain. The conversation which ensued was singularly maladroit on both sides. The President promptly introduced his errand by saying that there were two treaties relating to San Domingo about which he had wished to speak with the senator (to whom he four times referred as "chairman of the Judiciary Committee"), since they were soon to come before his committee. Sumner, unwilling to give his opinion in advance of investigation, sought to divert the conversation to another topic, and by ill chance chose this occasion to broach the case of Governor Ashley, and even to read a long letter from the man, whom Grant had recently removed from the governorship of Montana Territory. This subject was highly distasteful to Grant and in evident annoyance he started to take his leave. Sumner followed him to the door, and, the matter

of the treaties having again been raised by the President, though without explaining their nature, Sumner said: "Mr. President, I am an administration man, and whatever you do will always find in me the most careful and candid consideration." [1] The whole interview embarrassed Sumner, than whom no man was ever less ready to commit himself without full knowledge of what was at issue. But Grant's make-up was of a different nature. He had dropped in on Sumner that evening to secure his support, and he left his door in the belief that this "chairman of the Judiciary Committee" stood pledged to uphold his chief's policy.

A few days later the two treaties came before the Committee on Foreign Relations. Sumner was not on principle opposed to expansion, though he hoped for expansion to the north, which would include people of English stock, rather than in the tropics. At first, therefore, his prime concern was as to the effect which the annexation of San Domingo would have upon the other negro republic upon the island, and also upon the newly emancipated negroes of this country. But some of the despatches led him to suspect what a visit to the State Department speedily confirmed,—that these treaties had been negotiated with a ruler who maintained himself in power only by his reliance upon United States ships

[1] Sumner gave an account of this interview in his speech in Senate, Dec. 21, 1870, *Congressional Globe*, p. 253. *Works*, Vol. XIV, pp. 125, 126. Other references, Pierce, Vol. IV, p. 434, n. 2.

of war, and that therefore we were "engaged in forcing upon a weak people the sacrifice of their country." From the moment of that discovery, the whole transaction became utterly repugnant to Sumner; but he made the mistake—which he afterward acknowledged and regretted—of not going directly to the President and telling him frankly that he could not give the treaties his support. They were before the committee nearly two months. Grant grew restive at the delay, and presently came to believe that Sumner was the obstruction in the way of a prompt and favorable report. Accustomed to command, his zeal and determination became the greater at the unexpected opposition. He sent to the Senate special messages urging ratification, and proceeded to exert executive pressure upon individual members of the committee and other senators to a degree before entirely unknown. He went repeatedly to the Capitol and on a single day summoned fourteen senators to meet him. Babcock appeared before the committee to answer inquiries. On March 15th, the day following one of Grant's most urgent messages, the committee presented an adverse report, in which five members concurred; only two dissented.

Nine days later the debate on the San Domingo question was opened by Sumner. In a four-hour speech he set forth the committee's grounds for opposing the ratification of the treaties. Wishing as far as possible to avoid any clash with the administration, he laid no emphasis upon the unwarranted

use of United States naval power in Dominican waters (upon which he was not so well informed as at a later date) and he was careful not to impugn in the slightest respect the President's motives in urging annexation. The points upon which he did lay stress were the unsuitableness of the Dominican population for easy assimilation; the bad precedent of annexation toward the tropics, with the probability of complications with Hayti; the chronic civil war to which the "republic" was subject; and the wrong involved in "impairing the African's predominance in the West Indies." The treaties were before the Senate for three months. Meantime the President again by special message urged their ratification, and the Secretary of State came repeatedly to Sumner's house and besought him to support the treaties because the President, who had led the Republican party to victory, had them so much at heart. In one of these interviews he said to Sumner: "Why not go to London? I offer you the English mission; it is yours." Sumner secretly resented this as an attempt to silence him, and replied: "We have a minister who cannot be bettered."[1] But no unworthy motive need be attributed to Fish; the appointment would have placed his old-time friend in a congenial position of great honor and influence and have secured peace to the administration.

[1] June, 1870, a few weeks before the rejection of the treaty. Sumner adds to his account: "Thus already did the mission to London begin to pivot on San Domingo." *Works*, Vol. XIV, p. 260.

There was little popular sentiment in favor of annexation, and Sumner was at no time doubtful as to the outcome. On the last day of June the vote was taken and resulted in a tie, twenty-eight to twenty-eight, so that, lacking the requisite two-thirds, the treaties were rejected. The very day after this vote, by direction of the President, Motley's resignation was requested. He refused to give it, and some months later was summarily removed. There was little doubt in any quarter that his removal was due primarily to Grant's resentment at Sumner's opposition to the San Domingo treaties in the Senate. Unable to hit the offender in person, he aimed his blow at the man who he declared "represented Sumner more than he did the administration." In cabinet meeting he asserted that he did not propose to "allow Sumner to ride over him," and when it was suggested that he appoint Sumner to the English mission, he said that he would do it provided Sumner would resign from the Senate, but that he would remove him as soon as his appointment had been confirmed!

CHAPTER XVII

SUMNER AND GRANT : THE TREATY OF WASHINGTON

DURING the recess of Congress, Sumner and Fish continued in friendly correspondence.[1] But months before this,—in fact, within a few weeks of the time when Motley laid down the law to Lord Clarendon,—Fish had been discussing our claims against England with Sir John Rose, "a born diplomatist," who, as a member of the Canadian ministry, had come to Washington to conduct some other negotiations. The British government was at last suffering from conviction of sin, and disposed to show forth works meet for repentance. This change of heart had been wrought far less by diplomacy than by the logic of European events. In July, 1870, the Franco-Prussian War broke out, and no man could tell how soon England might be involved in the turmoil. In these anxious days she found herself fronted by the precedents which she had so recently established during the war in America. The thought was intolerable that, if England were drawn into the war, the ports of a neutral would be open,

[1] In private correspondence, however, Fish was already sharply critical. June 23, 1870, he wrote to a friend: "Clay and Benton each domineered in their day, but they were men capable of position; the aspirant to their control, in the present day, knows nothing but books, and not overmuch of them." C. F. Adams, *The Treaty of Washington*, p. 248.

without possible protest, for the outfitting of ships of war to prey upon her commerce on every sea. Fish and the British government were coming closer together, and the Secretary of State, who had hitherto remained reluctantly at his post out of loyalty to his friend, the President, now came to cherish an honorable ambition that he might bring this long-standing controversy to a successful issue. In September, 1870, he wrote to a friend: "If England can be brought to think so [that she was drawn into errors], it will not be necessary for her to say so,—at least, not to say it very loudly. It may be said by a definition of what *shall* be Maritime International Law in the future, and a few kind words. She will want in the future what we have claimed. Thus she will be benefited—we satisfied." [1]

The Secretary repeatedly suggested to the British minister a comprehensive settlement, a feature of which should be the cession of Canada, but on the very day that the allies surrounded Paris came the reply that although England would gladly be rid of the Colonies, it was impossible for her to force independence upon them, or even to refer the question of independence to a popular vote of the people of the Dominion. But England's predicament did not pass unnoticed by her Continental neighbors: the Russian minister came to Fish with the suggestion that the Franco-Prussian War was affording a most opportune time for pressing our claims for immediate settlement, and Fish diplomatically allowed

[1] C. F. Adams, *The Treaty of Washington*, p. 126.

the substance of this interview to become known to the British minister, who thereupon bluntly asked him what the United States wanted. Fish had become convinced that the unwillingness of the Canadians to separate from England stood as an insuperable barrier to the oft-discussed plan of annexation. "Like the wise diplomat he was, he then dropped the unattainable from the discussion and on November 20, 1870, asked merely an expression of regret on the part of Great Britain, an acceptable declaration of principles of international law and payment of claims."[1]

Though these terms were much more moderate than the vague intimations heretofore given, Fish was resolved upon their prompt acceptance, and it was at his instigation that in the President's message there were inserted those vigorous paragraphs relating to our claims, which set London fuming over the implied menace. But the British government, through Sir John Rose, promptly intimated a disposition to negotiate on the proposed basis, and early in January this trusted envoy in friendly converse at Fish's table was discussing preliminaries which led to the Treaty of Washington.

The President, however, was adhering pertinaciously to his favorite plan; and if he gave Fish a free hand in dealing with England, it was apparently upon tacit pledge of his support in regard to San Domingo. In this same message, dated December 5, 1870, Grant pictured in most fanciful

[1] Rhodes, Vol. VI, p. 355.

and glowing colors the advantages of annexing the island, which, though then having a population of only about 120,000, he declared "capable of supporting 10,000,000 people in luxury." He argued that its acquisition would open a wide market for our products, and expressed the conviction that if the step were not taken, a free port would speedily be negotiated for by European nations in the Bay of Samana; he urged Congress to authorize the appointment of a commission to negotiate a treaty by which the "great prize" might be secured. This was recognized to be impossible, but a friend of the President did offer a resolution for the appointment of a commission of investigation.

Then was the time for silence or for the soft answer on the part of Sumner. It was morally certain that Congress would grant nothing more than a commission of inquiry. But in Sumner's opinion the authorizing of such a commission would involve approval of grievous violations of international law and threat of injury to the race of which he had constituted himself the champion. Moreover, he had been singled out for attack because he had done what he conceived to be his duty: he had been struck at in the person of his friend, Motley, who had just been summarily removed from the English mission,[1] and the plan had already been broached

[1] Motley had greatly exasperated both Grant and Fish by the paper, "The End of the Mission," which he had sent to the State Department.

of reconstituting the Committee on Foreign Relations so as to secure its favor for the San Domingo scheme. The antagonism between Grant and Sumner had reached the point where neither could believe any good of the other. Their temperaments and training were so different that from the beginning they had appreciated little of each other's excellencies.[1] As Sumner grew older he became more oracular and intolerant of opposition, and the extravagant value which he always attached to liter-

[1] "Sumner demanded, as the prerequisite of agreeable personal intercourse, adulation, expressed or tacit; Grant had by 1870 become accustomed to receive it, but had not, nor ever would have, the power to give it." (W. A. Dunning, *Reconstruction, Political and Economic*, p. 165.) The widening breach between these two most influential men in public life was viewed with regret and grave apprehension as to its consequences. Gerrit Smith, as the loyal friend of both men, was induced to come to Washington for the express purpose of trying to bring them together. He did his best, but had to acknowledge to Andrew D. White, at whose instance he had made the effort: "It is impossible; it is a breach which can never be healed." (*Autobiography of Andrew D. White*, Vol. I, p. 485.) Grant, the man of action, seems to have distrusted Sumner as a man of words. Once asked if he had heard Sumner converse, he replied, "No, but I have heard him lecture." It is said that upon hearing some one remark, "Mr. Sumner does not believe in the Bible," Grant commented: "No, I suppose not; he didn't write it." (G. S. Boutwell, *Sixty Years of Public Life*, Vol. II, pp. 215, 251.) Nevertheless, there is evidence that Grant recognized Sumner's power, and that he tried to keep on friendly terms with him. Years later, in 1878, James Russell Lowell met Grant in Spain, and one of the things which most impressed him was this: "He seemed anxious to explain to me his quarrel with Sumner—or Sumner's with him. 'Sumner is the only man I was ever anything but my real self to; the only man I ever tried to conciliate by artificial means'—those are his very words." (*Letters*, Vol. II, p. 233.)

ary and oratorical achievements led him to regard with something of disdain as well as distrust the taciturn soldier whom he thought now sadly out of place in the President's chair. Tale-bearers, especially those of Grant's quasi-military household, had done much to widen the breach between the two. Sumner was even credulous enough to assert his belief that his life had been threatened at the White House, a statement which Morton warned him not to repeat, unless he wanted to be laughed at. Judge E. Rockwood Hoar, one of Sumner's closest friends, tells of visits to the senator, who would accompany him to the door, and there, as he grew more excited, would shout out denunciations of the occupant of the White House, just across Lafayette Square, his voice rising till he "roared like a bull of Bashan," so that "it would at times seem as if all Washington, including Mrs. Grant, must hear and the police would have to interfere." And this feeling was warmly reciprocated. George F. Hoar was walking along the street in earnest conversation with the President upon official business when suddenly Grant, catching sight of Sumner's windows, broke out with: "That man who lives up there has abused me in a way I never suffered from any other man living!" and he shook his clenched fist at the senator's house.

Under such circumstances, perhaps it was not in human nature to pass over the President's proposals in silence. Certainly that was not Sumner's course. When the resolution for the commission of inquiry

came before the Senate, heedless of earnest dissuasion of friends, he took the floor, and in a scathing speech—which he later made the more exasperating by the title, "Naboth's Vineyard,"—he denounced the whole San Domingo scheme.[1] Its key-note was sounded in the opening sentence: "The resolution commits Congress to a dance of blood!" In contrast with his earlier discussion of the matter, he now laid chief stress upon the illegal use of the American navy in upholding Baez, and the menacing of Hayti both by our war-ships and by the tone of the President's message. He pointed out an analogy between the President's rumored intention of interfering with the Committee on Foreign Relations and Buchanan's insistence that Douglas be removed from the Committee on Territories, in order that that committee's support might be secured for the Lecompton Constitution. His speech, in which burned again all the fire of youth, accomplished nothing but increased bitterness. One of his greatest admirers, George William Curtis, who believed that Sumner's points were well taken, nevertheless deplored his having "criticized the administration as a relentless enemy and not as a friend" at the very time when it was "of the utmost importance to criticize without weakening it." The resolution, amended to the effect that it "should not be understood as committing Congress to the policy of annexing San Domingo," was passed by very large majorities, and the Senate promptly

[1] Dec. 21, 1870. *Works*, Vol. XIV, pp. 89–131.

confirmed the appointment of B. F. Wade, S. G. Howe, and A. D. White.[1]

The day following his speech, Sumner dined at the house of Secretary Fish with Senator Morton, who had been the chief advocate of the annexation of San Domingo, and Sumner's outspoken opposition seemed not to have chilled their friendly relations. Nevertheless, only seven days later (during which no new occasion of difference had arisen) Hamilton Fish placed on record in an official document a most damaging reflection upon the integrity of the man who for twenty years had been one of his most intimate friends. On January 9th, in response to a request from the Senate, the President sent to that body the papers relating to the removal of Motley. Among them was a letter, dated December 30th, to the secretary of the legation at London, in which Fish spoke of Grant as one "than whom no man . . . is more sensitive to a betrayal of confidence, or would look with more scorn and contempt upon one who uses the words of friendship to cover a secret and determined policy of hostility." No one for a moment doubted to whom reference was made.

It is not to be denied that in recent months Sumner had proved hard to get on with, but how Fish

[1] Agassiz declined a place upon this commission because of his friendship for Sumner. No such delicacy deterred Dr. Howe. Dissent over this San Domingo question caused an estrangement between him and Sumner which was never to be removed. For the report of this commission and the close of the San Domingo controversy, see *infra*, p. 373.

could have allowed a not unnatural irritation to betray him into so gross an injustice to a friend of many years is as incomprehensible as his later declaration that he was "not conscious of any just cause for the discontinuing of the relations which had existed between us!"[1] At the time, however, he took a step which showed clearly that he believed their friendly relations had been brought to an end by his own act. The prompt sequel of the President's message, with its "menacing" discussion of the American grievances against England, was the reappearance in Washington of Sir John Rose, on January 9th, the very day the Motley papers were sent to the Senate, and his discussions with Fish soon reached a point which made it desirable to consult with the chairman of the Committee on Foreign Relations. Instead of coming directly to see him, as had been his frequent custom, Fish, on January 12th, asked a member of the committee to find out for him on what terms he stood with the senator. Sumner told the intermediary that he should always be at the service of the Secretary for consultation on public business, but that he could not conceal his deep sense of personal wrong received from him, absolutely without excuse.[2] So an official interview took place, on January 15th, at which Fish showed Sumner Sir John Rose's confidential memorandum, prepared after cable com-

[1] Letter to Boston *Transcript*, Oct. 31, 1877.

[2] A few days later, at a dinner where both were guests, Sumner ignored Fish's presence.

munication with the Foreign Office. Sumner demurred at expressing an opinion as to the answer which should be given. Fish reminded him that he had come officially to him as chairman of the Senate Committee on Foreign Relations to ask him his opinion *and* advice, and that he was entitled to them, since he must give an answer. Sumner said that the matter required much reflection, but that he would let him know about it in a day or two. Accordingly, two days later, Fish received from Sumner a memorandum, the most significant part of which was as follows:[1] "The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism which is excited by the British flag in Canada.[2] Therefore the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere, including provinces and islands."[3]

It is not easy to understand Sumner's motive in framing this memorandum. He had long been in

[1] The memorandum is printed in full in J. B. Moore's *International Arbitrations*, Vol. I, p. 525.

[2] Fenianism had not always seemed to Sumner so appalling. April 3, 1866, he wrote to the Duchess of Argyll: "Fenianism is to us only a noisy shadow, without reality. I never saw a Fenian." Pierce, Vol. IV, p. 276.

[3] This memorandum has been variously regarded. The author of the monumental "Memoir" of Sumner barely mentions it, evidently not deeming it significant enough to quote. On the other hand, Mr. C. F. Adams, in his monograph, *The Treaty of Washington*, pp. 145–152, finds in it the key to much that followed.

favor of the annexation of Canada, yet he had declared against accessions which would not come to the United States with the free assent of their population, and he could not have failed to know that at that time the people of the Dominion were strenuously opposed to the transfer of sovereignty which he here proposed as an indispensable "condition or preliminary" to the settlement of the pending controversy with England. The judgment of Mr. C. F. Adams, the most painstaking student of this chapter of American diplomatic history, is probably the most logical:—that by stipulating a condition which he knew to be impossible of fulfilment, Sumner hoped to postpone the settlement until a time when Canadian compliance might be secured to a transfer to which the British government would have already gladly assented.

Fish had probably scented opposition in his official interview with Sumner, for that very day he went to Morton, the leading champion of the administration's San Domingo policy, and asked him whether he thought a treaty along the lines proposed could secure ratification in case of Sumner's hostility, to which Morton answered, yes. Fish then sought out other leaders, Republican and Democratic, and received assurances of their support in the contingency suggested. A week after receiving Sumner's "opinion," Fish had a conference with Sir John Rose, showed him in confidence Sumner's "hemispheric flag-withdrawal memorandum," as Mr. Adams calls it, and assured him that the administration would

use every endeavor "to secure a favorable result, even if it involved a conflict with the chairman of the Committee on Foreign Relations in the Senate."[1] From this time events moved fast to a consummation. By the 1st of February the British minister informed Fish of the readiness of his government to submit the various matters of difference to a Joint High Commission, which should arrange a settlement by treaty. A week later the nominations of five members for the United States were sent to the Senate and promptly confirmed; and on the 27th of February the Joint High Commission was organized in Washington.

A heavy blow was now awaiting Sumner. In the debate which followed his speech on the San Domingo commission resolution, Conkling had declared that the Committee on Foreign Relations "ought to be reorganized so that it should no longer be led by a virulent opponent of the administration," and in the interval before the beginning of the next session (March 4th) such a change came to be considered probable. In the Republican Senate caucus a committee, the majority of which was supposed to be against the removal of Sumner, was appointed to bring in a committee list. Suspicion having been aroused, Allison and another man eager for party harmony, called upon the doubtful member of the committee and found him inexorably resolved to recommend Sumner's removal; the only ground which he gave for his stand was that by the nature of his opposition to the San Domingo treaty the

[1] Moore, *International Arbitrations*, Vol. I, pp. 528–530.

senator had made himself offensive to the President. The committee, accordingly, named Cameron as chairman of the Committee on Foreign Relations, and transferred Sumner to the Committee on Privileges and Elections. When the report was presented in caucus, Sumner spoke of his twelve years of service upon his committee, and of the important questions with which it had had to deal, and called associates living and dead to testify if he had ever failed in any duty of labor or patriotism. He declined his new committee assignment and withdrew from the caucus. Debate followed, but the committee's list was sustained by a vote of twenty-six to twenty-one.[1] In the Senate the motion for the adoption of this list gave rise to long and acrimonious debate. Sumner asked to be excused from the unwelcome duties assigned him, and his request was granted. Against their will, the Republican majority were forced to give reasons for the proposed removal. The only ground alleged on the floor of the Senate was the fact that Sumner was not on speaking terms with the President and the Secretary of State, although his champions boldly asserted that this was but "a flimsy pretext" and that "the San Domingo scheme was at the bottom of the whole difficulty."[2] Even the very men who were urging Sumner's removal

[1] Blaine, then Speaker of the House, severely condemned this action. "Never was the power of the caucus more wrongfully applied." He discusses it in detail: *Twenty Years of Congress*, Vol. II, pp. 503–506.

[2] When as the ground for the proposed action it was alleged that Sumner had "refused to hold personal intercourse with the Secretary of State," Schurz, speaking for Sumner, declared that

paid glowing tributes to his merits and past services, and declared that "under happier circumstances" he could fill that chairmanship better than any other senator. Trumbull earnestly opposed the removal, saying that such a change was extraordinary and that according to established usages of the body, chairmen "were not changed contrary to their expressed wishes." Though bowing to the will of the majority, Sherman declared: "I regard this change as unjustifiable, as impolitic, as unnecessary, and . . . no reason has been given which ought to weigh, in my judgment, to induce the change." But no protest was of any avail; the removal was carried, only the votes of nine Democrats being recorded against it.[1] Perhaps the least favorable light is thrown on this transaction by the choice of Cameron as Sumner's successor.[2]

There can be no doubt that Grant's resentment

Sumner had not refused to enter into any official relations, either with the President or with the Secretary of State, but had said that he would "receive Mr. Fish as an old friend, and would not only be willing but would be glad to transact such matters and discuss such questions as might come up for consideration." And Sumner added: "*In his own house.*" Blaine, Vol. II, p. 504. Two other grounds, alleged years later in the mass of controversy to which this action gave rise, *viz.*, default in reporting treaties referred to his committee, and failure to "move forward treaties" in the Senate, may be dismissed as wholly unsustained by the evidence. To a third, attention is directed below, p. 368.

[1] See also John Sherman's *Recollections*, Vol. I, pp. 470–473.

[2] "The real motive of the removal was shown past all question, when to this place of highest dignity and importance there was appointed a man whose long public record was a story only of intrigue and suspected corruption, and whose sole recommendation lay in being a servile partisan of the President."—G. S. Merriam, *Life and Times of Samuel Bowles*, Vol. II, p. 131.

found a vindictive satisfaction in this deposition of Sumner from the position which was his pride and glory. Yet it would be an injustice to Fish not to consider the strongest argument which has been advanced in justification of the pressure exerted by the administration to secure Sumner's removal. The Secretary, as we have stated, had given pledge to the representative of the British government that no pains would be spared to secure a settlement upon terms which had in general been accepted as the basis for agreement, "even if it involved a conflict with the chairman of the Committee on Foreign Relations," and in consequence the Joint High Commission was already in session. Yet Sumner had proposed "hemispheric flag-withdrawal" as an indispensable "preliminary" to any complete settlement. It is absurd to take the ground that Sumner was here speaking figuratively or expressing merely an aspiration, with a view to testing public sentiment. Charles Sumner gave this answer to the Secretary of State, with whom he was hardly on speaking terms, and who in official capacity had asked of him, also in official capacity, his opinion and advice. Sumner had requested time to deliberate, and after two days had sent this answer in writing. It is highly significant, also, that this memorial was almost in the precise language which Sumner had used eighteen months before in an elaborate communication to Motley, giving his forecast of the terms upon which the settlement might take place.[1]

[1] Letter of June 15, 1869. Pierce, Vol. IV, p. 410.

This ominous reply had been communicated to the British envoy and to a number of senators. They were warranted in believing that Sumner meant precisely what he said, and that in committee and in the Senate he would prove an unyielding obstructionist to the settlement which the administration had pledged itself to promote. It is a legitimate question whether the Senate precedent which Trumbull said required that no committee chairman should be changed contrary to his expressed wish, was not seriously out of accord with any tenable theory of party responsibility, and whether the experience of the past forty years has not offered repeated instances where the good of the party and of the country as well would have been furthered by changes in the chairmanships contrary to the wishes of the incumbents. Because of the Senate's share in treaty-making, the accord between the administration and the chairman of the Committee on Foreign Relations becomes a matter of unique importance. Often it lies in the power of that one man to make or mar its whole foreign policy. It was the full consciousness of this fact which had called from Fish that pathetically deferential letter to Sumner before assuming his post in the cabinet. Sumner just at this time had been showing his unrelenting power of obstruction in the case of treaties which the administration had earnestly sought to secure. Far greater issues were now at stake. Fish saw within his grasp an honorable settlement of the grievances which for many years had

kept alive rancor and ill-will between the two branches of the English-speaking race, *provided* the result of his negotiations could be put before the Senate in such a way as to command the normal party support. In the view of one of the keenest English publicists, "Fish was mortally afraid of Sumner."[1] If Fish believed that Sumner, as chairman of the Committee on Foreign Relations, would seriously menace or delay the final ratification of the treaty which now bade fair to become the fulfilment of hopes long deferred, in the opinion of the present writer he was not only justified in exerting pressure to procure his removal, but failure to do so would have shown a lack of good faith as to the pledge he had given the British government and not less a lack of appreciation of the responsibility which rested upon him as the diplomatic representative of the United States to secure for his country peace with honor.

Sumner's removal was a step that was deeply to be deplored. For twelve years he had served his country well. In distinguished qualifications for the high station he occupied, he was without a peer among men in public life—except in the peculiar conditions which had now arisen. That he was no longer on speaking terms with the President and the Secretary of State—a point unduly emphasized in the debates, since diplomatic reserve while the Joint High Commission was in session required that the weightier reason be kept out of sight—was

[1] John Morley, *Life of Gladstone*, Vol. II, p. 402.

far less to his discredit than to that of Grant and of Fish. So far forth, Sumner merits sympathy in this misfortune which was to shadow and embitter the few remaining years of his life. But by his utterly impracticable insistence upon "hemispheric flag-withdrawal," by his long record of pertinacious obstruction in the Senate, and by his growing infirmities of temper, in large measure, Sumner drew this misfortune upon himself.[1]

[1] This removal of Sumner from the chairmanship has occasioned a vast deal of controversy. The views above expressed accord in the main with the conclusions of Mr. Charles Francis Adams, whose *Treaty of Washington* is the most comprehensive study of the issues involved. E. L. Godkin discussed the matter in a fair-minded editorial, N. Y. *Nation*, March 16, 1871. In his *Memoir* of Sumner, Mr. E. L. Pierce gives an inordinate amount of space to this affair. He bitterly arraigns Grant and Fish for their persecution of Sumner, barely refers to his celebrated "Memorandum," and seems to me altogether to underestimate the menace of Sumner's probable opposition to the pending negotiations. Mr. J. F. Rhodes attaches nearly as much importance as does Mr. Adams to Sumner's mistakes in his Johnson-Clarendon speech and in his "Memorandum," yet declares that Grant's insistence on Sumner's deposition "must go down in history unjustified," and attributes it to "pure vindictiveness," adding, "If it was done as a matter of policy or supposed necessity, the policy was mistaken and the necessity unreal,"—a judgment which seems to me unwarranted. J. C. B. Davis, in "Mr. Fish and the Alabama Claims," presents much special pleading in behalf of Fish; some of his points are demolished by Pierce's criticism. The most successful championship of Sumner's cause has come from ex-Governor D. H. Chamberlain, whose paper, "Charles Sumner and the Treaty of Washington," should be read as a critique of Mr. Adams's monograph. He insists that in his "Memorandum" Sumner had no reason to suppose he was taking ground which had been abandoned by Grant and Fish; that if this "Memorandum" had been considered of much importance, it would have been brought into the Senate debates; that at the time of his removal, he had given no sign of an intention

During the three months preceding his deposition, documents sent to the Senate upon Sumner's call had revealed more clearly the methods and incidents involved in the negotiation of the San Domingo annexation treaties, and, against the earnest advice of his friends, Sumner resolved to bring these matters to the attention of the Senate. With some difficulty he secured the floor for the 24th of March. On the appointed day, long before the session was to open, thousands strove to secure entrance to the thronged Senate galleries; the House adjourned and its members and representatives of the diplomatic corps crowded the aisles of the Senate chamber, so keen was the interest in the anticipated onslaught of Sumner upon the administration from whom, as many believed, he had suffered grievous injustice. It was the very day upon which the San Domingo commissioners were expected to reach Washington, fresh from their field of investigation; but Sumner considered their report a foregone conclusion, and immaterial to the matters he had on his mind. For three and a half

to obstruct the progress of negotiations for a treaty which were then under full headway. He ridicules the idea that Sumner's influence could have defeated the treaty, and on various other points "takes the negative" with great spirit. Sumner's own account of this unfortunate controversy is to be found in an elaborate "Statement" as to his personal relations with the President and Secretary of State. This was prepared for presentation in the Senate in March, 1871, but Sumner decided to withhold it. Accordingly, though printed and distributed privately, it was not published till after Sumner's death, when F. W. Bird sent it to the New York *Tribune*, in which it appeared April 6, 1874.—*Works*, Vol. XIV, pp. 254–276.

hours he spoke with great solemnity and without personal bitterness. He did not concern himself with the expediency of annexation, but brought detailed evidence from official documents to uphold his assertions that the force of the American navy had been made to serve as the sole support of Baez and as a menace to Hayti. His auditors were surprised that Sumner did not refer to his removal from his committee nor make mention of current charges against the President on the score of nepotism and gift-taking. In one passage it was thought that he allowed resentment to induce him to bring unjust imputations against Grant:—in a comparison between the President's use of the war vessels and the Ku Klux outrages, with the implication that a proper use of energies abused in the annexation enterprise might have prevented or have put a speedy stop to Southern outbreaks. This passage was an ill-considered and unworthy afterthought, regretted by his friends. Somewhat lame defense of the President's acts was attempted by a few of his adherents, but Schurz strongly upheld Sumner's charges as to the illegal use of naval power.

Ten days later, the President transmitted to Congress the report of the commission of inquiry. It was in general favorable to annexation, though without recommendation.[1] Since it had become certain that the votes necessary for annexation by

[1] "Senator Wade was favorable to annexation on account of his 'manifest destiny' ideas. Dr. Howe was in favor of it in view of various philanthropic considerations. Neither of these views affected my opinion, but I was influenced later, some-

treaty or by joint resolution could not be secured, here ended the President's dream of adding to the United States a new commonwealth in the Indies. The history of the San Dominican "republic" during the past forty years has shown little basis for the vision which captivated Grant's imagination.[1]

what, by the view taken by President Grant in a conversation after the matter was virtually settled, to the effect that, in case of anything approaching a racial war between the white people of the South and the freedmen, Santo Domingo might be useful as giving the blacks such an opportunity for colonization that they could make terms with the ruling race, who might be more favorably inclined to a compromise on seeing that they might be largely deprived of their best laborers, should the latter have an opportunity to emigrate to a semi-tropical country under the American flag." Of the commissioners two favored a report advocating annexation; Mr. White, however, prevailed upon them to accept his view that, as Congress had asked only for facts, advice from the commission would under the circumstances be an impertinence. (*Autobiography of Andrew D. White*, Vol. I, p. 506.) In a letter to the writer (March 11, 1909), Mr. White states his personal attitude on the question of annexation. "My feeling regarding any annexation was one of doubt,—of suspended judgment. I was by no means anxious to try the experiment, but felt that if there was an American majority in favor of trying it, the Spanish part of Santo Domingo, under the circumstances, afforded the best opportunity to do so safely, since it was very sparsely populated and all its leaders of opinion favorable to coming under the sway of the United States."

[1] Grant never escaped from the glamour of this San Domingo project. On almost the last page of his *Personal Memoirs* he recurs to it, saying that he was chiefly led to urge annexation with a view to the settlement of the race question in the United States (*Memoirs*, Vol. II, p. 393). He adds: "San Domingo was freely offered to us not only by the administration but by all the people, almost without price. The island is upon our shores, is very fertile, and is capable of supporting fifteen millions of people." Dr. Howe's forecast was even more glowing: "In no case can the cost to the United States exceed $1,500,000. But were it a hundred millions, it would be cheaper than Alaska

One of the most painful features of Sumner's removal from his chairmanship was that it put out of a position of high influence the one man in the Senate best fitted by education and culture, by knowledge of European and particularly of English poli-

at a hundred cents. [The price paid to Russia for Alaska was $7,200,000. In the year 1907, Alaska's output of gold alone amounted to $18,489,400 or more than two and one-half times the total cost of Alaska.] Cheaper than Alaska? Why, Santo Domingo is worth more to us than even Cuba would be. Less extensive, it is more fertile, more salubrious, richer in agricultural and mineral resources, and more felicitous in geographical position."

The anticipations of neither party to this old controversy have been fulfilled. No European power, after our "folly in rejecting so great a prize," made haste to acquire it, or even to secure a free port on the Bay of Samana. Its population, then estimated by the Ecclesiastical Court at 207,000, and by the commission at not more than 150,000, had reached only about 416,000, in 1907. Its government continued turbulent, and bankruptcy and repudiation seemed about to lead to intervention of European powers when, by the convention relating to Dominican finances, ratified in March, 1907, a citizen of the United States was made Receiver General of Customs, charged with the responsibility of apportioning a fixed proportion of the revenues among foreign creditors.

Hayti retained the unmenaced independence which Sumner was eager to assure her. She has paid the interest on her bonds and kept out of serious quarrels with foreign powers, but she has shown little capacity for self-government. If Hayti's exhibition of what the negro race can do, when left to work out its own governmental salvation, is to be accepted as representative, it falls far short of fulfilling Sumner's dream. Hayti has never known a president who was anything else than a dictator; her revolutions are numbered by the dozen. As late as December, 1908, one dictator was deposed by another, with a ragged army at his heels, and rioting and pillage and bloodshed followed. Yet there is a gleam of hope in the despatch from the American minister to Hayti: "The revolution was *one of the most orderly* that has occurred in Hayti for many years."—*Outlook*, Dec. 12, 1908, p. 804.

tics and public men, and by study of international law to work congenially with the Joint High Commission in negotiating a treaty of first importance with Great Britain. Two of the British commissioners presented letters of introduction to Sumner. Though brought into no official relations, both policy and congeniality led the commission to make much of him. He was often consulted by its members; the British minister dined them with Sumner as the only other guest; upon their intimation that such an invitation would be acceptable, Sumner entertained the commissioners and their wives at an elaborate banquet; and the following night the men returned to dine with Sumner, their deliberations lasting into the small hours. Judge Hoar came to him frequently for conference, and when the treaty was finally signed, on May 8th, brought to Sumner's house the first available copy, inscribed: "The result of long and earnest labor is presented and dedicated with respect and confidence by his friend, E. R. Hoar."

Much curiosity and some apprehension were felt as to the attitude which Sumner would take toward the treaty, for he declined to commit himself, until he spoke in the Senate. Though no longer in his former position of authority, he could nevertheless exercise great powers of obstruction and opposition in that body. It was by no means certain that he could not at least force amendments which would make the treaty unsatisfactory to the British government; and, if he chose to attempt to arouse

public sentiment, it was believed that he might work upon Fenianism—to which he had himself already given great prominence, in his "Memorandum," as a force to be reckoned with—so strongly as to bring enough outside pressure to bear upon senators to defeat the treaty's ratification. The British commissioners stayed in Washington for some time after the signing of the treaty, frankly avowing to the home government that they deemed it best to remain where they could be in touch with certain influential leaders of the Senate. They were assiduous in attentions to Sumner, and in acknowledgments of his assistance and courtesies. Sir Stafford Northcote declared: "We have paid him a good deal of attention since he has been deposed, and I think he is much pleased at being still recognized as a power." [1] Sumner confided to Lieber: "Lord de Grey told me that without my speech [on the Johnson-Clarendon Convention] the treaty could not have been made and that he worked by it as by a chart."

To the great relief of the administration, Sumner not only gave to the treaty his vote, but made the principal speech in its exposition and support. To his friends he declared that every point he had urged against the earlier convention was met by this treaty.[2] It did not make our cause "a mere bundle

[1] Long, *Northcote*, Vol. II, p. 23.

[2] "An examination of its provisions, in relation to the *Alabama* question, will show that they substantially meet the requirements of his [Sumner's] speech on the Johnson-Clarendon Convention."—J. B. Moore, *International Arbitrations*, Vol. I, p. 553.

of individual claims," but comprehended "all complaints and claims"; it did not allow any choice of arbitrator by lot; it expressed "in a friendly spirit the regret felt by Her Majesty's government" for the escape of the cruisers and the damage they wrought; it declared as binding both in the pending case and for the future such "due diligence" as would require a neutral power to "prevent the fitting out or assisting of belligerent vessels in its ports, and to prevent its ports being made a base of naval operations by one belligerent against the other." The determination of the amount of compensation was assigned to an arbitration conference which met at Geneva, where at first the more vigorous than ingenuous insistence upon Sumner's favorite idea of "national claims"—claims which Fish declared unfounded, an opinion supported by the weight of more recent authorities,—came near wrecking the whole negotiation.[1] Sumner criticized the vagueness of the language in the treaty which led to this later controversy, and he certainly would not have given his assent to an abandonment of the "national claims," had he supposed the treaty's provisions could be interpreted as sanctioning such a course. He also suggested, but did not strongly urge, certain amendments, mainly with the

[1] "The real fact, however, would seem to be that the indirect claims were inserted in the American 'case' by those who prepared it, not because of any faith in them or hope that they might possibly be entertained, but in order to get rid of them, and as a species of political estoppel."—C. F. Adams, Jr., *Life of Charles Francis Adams*, p. 388.

intent of securing more precise definition of the duties of neutrals and an extension of the immunity of private property at sea. Although he had declared the withdrawal of the British flag from the Western hemisphere to be an indispensable preliminary to a complete settlement, he advanced no such impracticable suggestion in the Senate. He cheerfully accepted the treaty as the best that could be gained, and declared that as such it would be "hailed with joy by the thinking men of Great Britain and of the United States." [1]

For the sake of clearness, the narrative of the diplomatic negotiations of Grant's first term, in which Sumner was so vitally interested, has been continued to this point without interruption. But during these four years Sumner had entered into the general work of the Senate with great vigor. He became a careful student of financial problems, and frequently took part in the debates, especially in protest against what he considered an attack upon the national credit; he continued to urge the speedy resumption of specie payments and the funding of

[1] Wise after the fact, it is easy for the historian of to-day, in view of Sumner's magnanimous acceptance of the commission's treaty, to declare that his removal from his chairmanship was neither politic nor necessary. But Fish had to act upon the light then at his command. As Mr. Morley says, Sumner was then believed to be "red-hot against England"; he was displaying implacable antagonism to the President; his "Memorandum" had laid down an impossible "preliminary"; and in twenty years no other man in the Senate had shown such pertinacity in obstruction, even in the face of almost unanimous opposition. Fish certainly had ample ground for seeing in Sumner a serious menace to the treaty.

the public debt into long-term obligations; he favored the simplification of the internal revenue system and the abolition of the income tax. He devoted much energy to securing a pension for Mrs. Lincoln, succeeding only after it had been held over from one Congress to another, and finally carrying it against the unanimously adverse report of the committee to which it had been referred. Postal reform aroused his interest; he earnestly believed in making the postal system serve as a great educational force for disseminating knowledge, and directed much effort to the attempt to secure lower rates and simpler classifications.

But the legislation appealing most strongly to him was that which related to reconstruction. At the beginning of Grant's administration, three states still remained outside the pale, and Georgia, after being admitted to representation, presently proceeded to "purge" her legislature in flagrant violation of the Reconstruction Acts. Sumner coöperated heartily with other Republican leaders in 1870 in the Act for reforming the legislature of Georgia, and in imposing a uniform set of "fundamental conditions" upon the admission of Virginia, Mississippi, and Texas. In replying to colleagues who denied the propriety of these prohibitions upon changes in state constitutions allowing exclusions from the suffrage, or from school-privileges, or from office-holding, on account of race, color or previous condition of servitude, Sumner again exhibited his characteristic mode of constitutional interpretation.

He was much given to citing the Declaration of Independence, if not as directly conferring powers upon Congress, at any rate as an authoritative guide in the interpretation of the Constitution. Limitations upon the powers of Congress he was wont to brush contemptuously aside, when he thought they stood in the way of "human rights" of which he conceived himself the chief defender; and men who, fearing this tendency toward centralization, opposed placing such powers in the hands of Congress, he would most unjustly but vehemently denounce as the lineal descendants of nullifiers and secessionists.

In 1870, when some changes in the naturalization laws were under discussion, Sumner tried to secure the passage of an amendment striking out the word "white," so that there should be no distinctions of race and color in granting admission to citizenship. This amendment was defeated largely through the influence of senators from the Pacific coast, who were opposed to the extension of naturalization to the Chinese. Sumner had no fear of the "Yellow Peril." In his view, "a returned Chinaman is worth a dozen missionaries; but while he is here,—if he does not return,—he comes under our influences, he shares the good of our churches, of our schools, and if you will let him he will grow up in the glory and the beauty of our citizenship." The only change made at this time was an amendment, at Sumner's instigation, admitting to naturalization "aliens of African nativity or African descent."

The wreck of Sumner's hopes of domestic hap-

piness and the strain of the prolonged controversy with the administration told heavily upon him. In February, 1871, he wrote, "I am weary and old, and much disheartened by the course of our President, who is not the man we supposed." Later in the same month, for the first time in a dozen years, he suffered from a return of the *angina pectoris*. Yet despite illness and depression, he found strength for some literary efforts and diversions. As a means of disseminating his views on civil rights, in 1869 he wrote a learned disquisition on "Caste," which he put to rather inappropriate use as a Lyceum lecture, delivering it in eight states. In the following year he made a lecture tour from Massachusetts to Illinois, presenting sometimes his address on "Lafayette" but more frequently a lecture on the Franco-Prussian War, just ended; in this he discussed its causes, denounced Louis Napoleon, and emphasized anew his views on the enormities of war. The preparation of a paper on "The Best Portraits in Engraving" gave him an opportunity to follow his favorite *penchant* and to do some congenial work upon biographical sketches of eminent engravers.

In 1871 it might seem that Sumner had become a man without a party. He had opposed certain favorite measures of the Republican administration, and had been deposed by Republican votes from his commanding position in the Senate. It was not known how he would align himself in the future. Nevertheless, the Republican leaders in Massachu-

setts found themselves obliged to appeal to him in the fall of this year as the one man whose influence was essential to save the commonwealth from the menace of General Butler's unprecedented campaign for the governorship. Sumner's personal relations with Butler had not been unpleasant and it was with reluctance that he consented to do what was laid upon him as a duty : he joined with Wilson in a declaration that Butler's nomination would be "hostile to the best interests of the commonwealth and of the Republican party." This act was thought to be the turning-point in the campaign. If it lost Butler the nomination, it certainly won for Sumner a bitter and vindictive enemy.

CHAPTER XVIII

SUMNER'S PERSONALITY AND CHARACTERISTICS

For nearly a score of years Charles Sumner was the most conspicuous figure in the Senate of the United States. In body as well as in mind he towered among his colleagues. In manhood, Sumner's height was six feet and four inches, and he had the frame and strength of a giant. In his youth he swam across the Niagara River just below the Falls. His broad forehead was overhung by a great mass of brown hair. His eyes were of a deep blue, his nose strong and aquiline, his mouth large. In his college days his features seemed too heavy for his slight frame, but in his prime came greater fulness, which gave him a handsome, manly face and most commanding presence.

There was always lacking in him a certain suppleness both of body and of mind. He was a man of great erudition. Extraordinary as were his intellectual powers, they were not of the highest order: they were acquisitive rather than creative,—a contrast which he himself seemed to draw in a remark to his friend, Colonel T. W. Higginson, in relation to some demand upon him which he thought excessive: "These people forget that I am a cistern, not a fountain, and require time to fill up."[1] His

[1] *Contemporaries*, p. 283.

phenomenal memory put the harvest of his years of study and experience at his instant command. The variety and fulness of his information often led the listener to misjudge him. Mrs. Jefferson Davis has given an interesting account of the impression Sumner made upon those who did not get below the surface in their knowledge of him: "He was a handsome, unpleasing man, and an athlete whose physique proclaimed his physical strength. His conversation was studied but brilliant, his manner deferential only as a matter of policy; consequently he never inspired the women to whom he was attentive with the pleasant consciousness of possessing his regard or esteem. He was, until his fracas with Mr. Brooks, fond of talking to Southern women, and prepared himself with great care for these conversational pyrotechnics, in which, as well as I remember, there was much Greek fire and the 'set pieces' were numerous; he never intruded his peculiar views upon us in any degree, but read up the Indian mutiny, lace, Demosthenes, jewels, Seneca's morals, intaglios, the Platonian theory, and once gave me quite an interesting résumé of the history of dancing." [1]

In his early thirties Sumner became one of the most sought-for lecturers upon the Lyceum platform, then worthily manned by the leaders of American thought. Here to his kingly presence was joined a voice remarkable for its fulness and strength,— "a splendid organ: the *diapason* was there in tones full and rich; yet the *vox humana* was lacking."

[1] *Memoirs of Jefferson Davis*, Vol. I, pp. 557–558.

His enunciation was distinct and his sentences well-rounded. He allowed himself none of the colloquialisms or clipping of words which brought a greater orator, Wendell Phillips, into more intimate touch with the average audience.[1] He was always "full of matter." His speeches grew to portentous length, not because he was rambling in thought or did not know how to come to a close, but because he was absorbed in his theme and because he deliberately cultivated a florid, over-elaborated style. Thus, he would refer to the Fugitive Slave Act as "most cruel, unchristian, detestable, devilish, heaven-defying; setting at naught the best principles of the Constitution and the laws of God." Though his popular lectures ran to two or three hours in length, he was intolerant of any interruption. If some unfortunate in a far corner of the audience, after listening to the speaker for two full hours, tried to steal from the hall, Sumner would stop short in his discourse, glower at the offender's every step, and even continue to glare for many heavy seconds at the door through which the wretched man had made his embarrassed exit.

His earlier platform addresses and speeches were carefully wrought out and memorized, and then delivered without notes and with much attention to gestures and manner. At times, however, he would forget himself in his theme and quite shake off the

[1] Personal recollections of Mr. E. Harlow Russell. For vigorous descriptions of Sumner's oratory, see *Independent*, July 19, 1859, by Theodore Tilton; and N. Y. *Tribune*, Nov. 16, 1859, by Mrs. Julia Ward Howe.

conventions of the orator, as when in his Harvard Phi Beta Kappa address he stood with his back turned to the audience, while he was directing an impassioned appeal to President Quincy. But most of his speeches smelled of the lamp, and his denunciations were made all the more galling by the belief that the invective which he was much given to pouring upon his opponents sprang not from his tongue in the heat of passion but had been carefully worked up and committed to memory in the quiet solitude of his study. His speech for the expulsion of Bright was described by one who heard it as "a lash of scorpions." Few men in so strenuous public service have found so much time or inclination to thumb dictionaries and books of synonyms. "Prophetic Voices *concerning* America" or "*of* America"?—this was the question upon which, after much anxious thought, he was consulting with the Librarian of Congress and writing to Longfellow, on the very last day of his life. He had a fondness for preambles, and for formal pronunciamentos of his views. He often showed a rare skill in the choice of the telling phrase, and in his "Freedom national, Slavery sectional," "The Crime against Kansas," "The Barbarism of Slavery" he forged weapons that were splendidly effective. "Naboth's Vineyard," as the title of his speech on Grant's San Domingo policy, was perhaps more striking and offensive than anything in the arraignment itself. No charge is more unjust than that Sumner ever spoke as a mere rhetorician, yet it is a valid criti-

cism that he was "too often the slave of words when he thought he was their master."[1] Thus he was led into an extravagance of expression at times quite at variance with a prosaic "unoratorical" view of the facts. As we have seen, at the beginning of his career, he could write to Winthrop with earnest protestations of personal friendship and regard, and three days later publish a scathing arraignment of that congressman's recent vote: "It cannot be forgotten on earth; it must be remembered in heaven. Blood! blood! is on the hands of the representative from Boston. Not all great Neptune's ocean can wash them clean!" Yet Sumner was surprised that Winthrop should see cause for declaring their personal relations at an end. In his Faneuil Hall speech he pictures the depths of infamy to which Fillmore had sunk in signing the Fugitive Slave Bill: "Better for him had he never been born! Better for his name, and for the name of his children, had he never been President!" Yet this did not prevent his showing decided pleasure, a few months later, at "the peculiarly cordial reception" which Fillmore gave him in Washington.[2] And again, toward the close of his life, in his first speeches on the

[1] John Morley thus characterizes him. *Life of Gladstone*, Vol. II, p. 398.

[2] Dr. Howe wrote to Sumner that on good authority it was reported that Fillmore, "in answer to a query about how you could seek his hospitalities after denouncing him so bitterly, said, 'Mr. Sumner seems to like me pretty well; at any rate, by coming to my house he shows he did *not believe what he said.*'" May 11, 1852, *Journals and Letters of S. G. Howe*, Vol. II, p. 374.

San Domingo treaties, although Sumner protested that he had spoken only in kindliness, his words seemed to Grant and to many others, so charged with imputations against the President as to place the speaker in the attitude of a bitter assailant of his motives and character. In these very years Sumner was being made the victim of a somewhat similar failure in discrimination to that which he was displaying. In 1872 the talented editor of *Harper's Weekly* found it necessary to rebuke Thomas Nast because he carried over into his caricatures of Sumner the brutal method which he had employed so effectively against Tweed. In like manner, Sumner's pen and tongue became so accustomed to denouncing slavery and "slave-mongers" that they kept the same furious diction when condemning the more venial faults and failings of Johnson and Grant. In Sumner's later years this lack of self-restraint extended from his words to his manner, and at times friends noted with apprehension his flushed face, trembling voice, and seeming irresponsibility for the almost frenzied words he was uttering.[1]

Aside from this extravagance, there were other qualities in Sumner's addresses which provoked criticism. In his speeches upon the Fugitive Slave Law there was a frequent elaboration of references to slavery as the "harlot" or the "harpy," which gave great offense to Southern hearers. These passages are not pleasant reading to-day; but it must

[1] Comments by Fish and Dana, in *The Treaty of Washington*, pp. 173–176.

be said that, in the face of the haughty arrogance of the Southern leaders, it was Sumner's deliberate purpose to exhibit the defilement of contact with slavery, and his plainness, even grossness, of speech found justification in its occasion and effect. Sumner never appreciated the force and charm of brevity and simplicity; his speeches in the Senate frequently exceeded three hours in length, and their embellishment with labored alliterations, and with poetical quotations, especially when chosen from the Greek and Latin, at times did more to amuse than to convince his hearers. For a writer who concerned himself so seriously with the form of his expression, Sumner was strangely lacking in sensitiveness to the demands of unity or appropriateness to the occasion. In many cases doubtless he violated these demands deliberately. *Delenda est Carthago* was hardly a more inevitable ending of Cato's speeches in the Roman Senate than was a denunciation of slavery of every public utterance of the senator from Massachusetts. It was with this message that his Lyceum lectures and even his obituary tributes were weighted. But only a faulty artistic sense could have allowed such lapses as the injection of a long section from a ten-year-old lecture on "White Slavery in the Barbary States" into a Senate speech, or the devotion of a fourth of his Faneuil Hall eulogy of Lincoln to such irrelevant and controversial topics as an elaborate criticism of the Queen's proclamation regarding belligerency, and a detailed argument in favor of negro suffrage.

In his later years, Sumner came to value most the printed page as the means of spreading his influence. Whether in the Senate or upon the platform, therefore, he became comparatively indifferent to his immediate hearers, for his thought was fixed upon the vast audience whom he could thus reach, and it was often through pressure from this outside audience that his colleagues were reluctantly brought to adopt his policies. It became one of his chief objects of solicitude to bring out a revised edition of his *Works* before his death. "These speeches," he said, "are my life. As a connected series they will illustrate the progress of the great battle with slavery, and what I have done in it." At the task of their revision and annotation he toiled year after year. To cite a single typical illustration of the elaborateness of this work, he devoted forty-eight pages of fine print to setting forth the comments in the press and from friends on his speech, "The Barbarism of Slavery." At the time of his death he was engaged upon the tenth volume; two more volumes were brought out under Longfellow's supervision, and three others were edited by his literary executors.

It must be confessed that Sumner's rhetoric has not stood the test of time. The very pains which he bestowed in elaboration served in a measure to defeat his object. But to acknowledge that Sumner's speeches do not hold the place which he hoped for them in world literature is not to deny that in their day and generation they were a tremendous

power for good. Upon the lecture platform his idealism and eloquence captivated aspiring young men, and proved one of the most effective influences upon those who came to voting age in the decade before the Civil War. What gave Sumner's words their tremendous power was their "fervency of holy enthusiastic conviction." Profound seriousness pervaded his speeches, as it did Gladstone's; each made upon his hearers the impression "that the matter he was discussing was that upon which the foundations of heaven and earth rest."[1] He came to the Senate at a time when nearly every Northern leader with any considerable following was urging supine acquiescence in compromise. On the day when his clarion voice rang out in stern arraignment of the Fugitive Slave Act, men thanked God that at last a man was come whose courage matched his conscience. By that speech Sumner ushered in a new day.

For years Sumner was one of the most unpopular men in the Senate. This was not due merely to the fact that the measures which he had most at heart found little favor with the majority of his colleagues. Without any experience in the making or administering of laws, Sumner had stepped from the Lyceum platform into the most powerful of legislative bodies. He changed his forum, but not his manner. He had become so accustomed to swaying vast popular audiences that he expected his hearers to "accept with meekness the ingrafted

[1] G. F. Hoar, *Autobiography*, Vol. II, p. 347.

word"; but this his colleagues were by no means minded to do. One of his private secretaries clearly marks this trait:—"Mr. Sumner was a man not ready to yield to his equals. 'Domineering' is a strong word; but he felt a superiority which really existed, and his manner asserted it. To his subordinates no one could be more considerate, more generous."[1] He was the champion of the freedmen and insisted that they must be accorded absolute civil equality. Among his own intimates he numbered mulatto caterers in Boston and in Washington, and these as well as many other people of most humble origin and opportunities were welcome in his parlor, and at his table,—a welcome which it is said Mrs. Sumner found it very hard to extend.

Yet Sumner would march roughshod over the feelings of others when they seemed to him to show a "caste" spirit. At times his manner was most unfortunate: he would speak with brutal frankness, far beyond what the occasion warranted, so that men who admired his character and ability and who prized his friendship, nevertheless hesitated to urge his election to certain associations of conservative and scholarly gentlemen, fearing that he would not "fit." Among his own colleagues, Sumner was criticized for his aristocratic manners, his airs of superiority. He was reproved by Fessenden for "lecturing the Senate." He nagged his associates with reminders of how they had at first derided and

[1] F. V. Balch, Pierce, Vol. IV, p. 343.

then supported his measures. He laid down Lincoln's duty in a way a man of less magnanimity would have resented. Of all his associates of nearly a quarter of a century there were hardly any but Chase, Schurz and Wilson, with whom his personal relations were not at some time severely strained. In every great measure to which he devoted himself, he believed he saw clearly some high moral issue. Says Curtis: "I was one day talking with him upon some public question, and as our conversation warmed, I said to him, 'Yes, but you forget the other side.' He brought his clinched fist down upon the table till it rang again, and his voice shook the room as he thundered in reply, 'There *is* no other side!'"[1] Such intolerance of others' opinions and motives is hard to live with. Nevertheless, there grew up among his colleagues a genuine respect and admiration for his absolute sincerity, and in his later years the feeling toward him became more kindly than at the first.

Sumner used always to assert the precedence of the Senate even over the Supreme Court and cabinet, saying, "We make justices and cabinet ministers." He sought to uphold the best traditions of the Senate, taking his official duties seriously, even in such matters as punctuality and regularity of attendance. "A senator cannot leave his place more than a soldier," was his reply to a flattering invitation which would have taken him away from a session to address a New York assemblage. On

[1] *Orations*, Vol. I, p. 256.

the day following the Brooks assault his seat was vacant for the first time; till the summons to his mother's death-bed, a dozen years later, he had never been absent from a Senate session except because of illness. He repeatedly insisted that Congress had no right to adjourn, however great the discomfort of life in Washington, until the needed work of legislation was completed. For himself, he cleared his desk each day of the mass of detail, and it was his custom to remain in the capital at the end of sessions, until everything needing his attention was disposed of. In committee service it was the testimony of his colleagues that he was efficient and energetic in carrying forward the work, yet considerate in his treatment of the minority.

Few men in public life have been so generous in allowing the calls and requests of strangers as well as of constituents to trespass upon their time and strength. But he would waste not a moment upon such applicants, when he was deep in the preparation of a speech or engaged upon some other task of his office. At such times, "How are you? Sit down," would be the brusque greeting from the desk, at which, with hardly a glance, the writer would continue his work. Often the embarrassed visitor, finding that his presence was forgotten, would rise, saying, "I see you are busy; I'll call again," only to receive the reply, "But I'm always busy; what is your point?" and the caller who had hoped for an hour's discussion would go away feeling that five minutes had been

grudgingly given. To reporters and others who sought information from him, Sumner was frank and communicative as far as he thought best. If the caller persisted in pushing his questions beyond that point, the answer would be, "I can't speak of that;" further importunity would be met by a stony stare. Like other public men, Sumner was often approached by persons who sought to take advantage of their friendship or acquaintance with him to advance some private interest; frequently a corporation, seeking legislative favors, would persuade men of his acquaintance to call upon him. Sumner resented such "relaying," and whenever he suspected, justly or unjustly, that this was being attempted, he would become brusque and repellent. It sometimes seemed that the higher the rank or the closer the acquaintance of the caller, the more unpleasant grew his manner. This ready suspicion, brusqueness and irritability were doubtless due in large measure to Sumner's physical disabilities, particularly to the pain to which he was constantly subject in his later years and to his lack of restful sleep. Indeed, in the last two years of his life, he hardly ever slept without recourse to morphia.

He was jealous for the good name of the Senate as to language and manners, and the dread of unpopularity did not deter him from demanding a like observance of senatorial dignity from others. After much provocation, he denounced Douglas's indulgence in coarse personalities, rebuked the

"plantation manners" of Mason and Butler, protested against Abbott's threat of a duel, and even moved the expulsion of a Delaware senator who had repeatedly come to the Senate in a state of intoxication. Such school-mastering of one's associates is usually pleasurable neither to the critic nor to the one criticized, yet it was doubtless salutary for the Senate.

No American of Sumner's day had a wider or more distinguished circle of personal friends. It is true that between him and his political associates at some stage differences almost always arose, and political differences also caused sad ruptures in his relations with friends whom he loved like brothers, as in the case of Hillard, of Howe, of Dana, and of Lieber. In most of these divisive issues of morals and politics, it would seem as if Sumner were in the right, yet it cannot be doubted that his over-pertinacious insistence upon his own point of view as the only one possible for a right-minded man, put a severe strain upon friendship. Until he entered the Senate, Sumner's associations were decidedly academic, and he had been brought into deep and abiding fellowship with the leaders of American thought and literature. Fortunate, indeed, was the young man who could grow up into intimate relations with Story and Greenleaf, Quincy and Channing. Among the friends of his prime were Longfellow, Whittier, Holmes, Emerson, Hawthorne, Lincoln, Bancroft, Prescott, and a score of those whom America delights to honor. It is no exaggeration to say that

no other American of his time had so wide and eminent an acquaintance abroad, and this intimacy with leaders of public opinion in England, France and Germany not only broadened his own vision but became a national asset, for during the Civil War the administration was kept in touch with shiftings of public sentiment in England hardly more through the channels of the State Department than through Sumner's correspondence.

In his unrelenting warfare against slavery and other forms of social injustice Sumner found his stanchest supporters among the preachers and members of Christian churches of every denomination, yet he himself paid little heed to formal religious ordinances. At the age of twenty-two, he replied to a college friend, who had written to him in grave anxiety for his spiritual welfare, in a letter of singular candor: "... I do not think that I have a basis for faith to build upon. I am without religious feeling. ... I believe, though, that my love to my neighbor ... is pure and strong. Certainly I do feel an affection for every thing that God created; *and this feeling is my religion.*" And he quoted Coleridge's lines beginning,

> "He prayeth well, who loveth well
> Both man and bird and beast,"

as illustrating his feeling.

In his more mature years it was doubtless Channing's influence that was strongest in moulding his thought on matters of ethics and religion. It meant

much for Sumner that for nearly ten years he was brought close to this great leader of men on terms of intimate and almost idolizing friendship. But in King's Chapel (Unitarian) where for a time he used to occupy his father's place at the head of the family pew, and in most other Boston churches Sumner found that the Christianity that was being preached concerned itself little with the slave or with the humanitarian causes to which his life was devoted. To do a man's part in bringing in the new day was Sumner's task; he tortured himself with no anxieties about saving his own soul. "I never knew a man," declared one of his private secretaries, "with a firmer grasp upon the faith in the good God. He once said to a friend in my presence that he would not turn over his hand to know whether he should consciously live again or not, so sure was he that all was for the best." [1] And this same high optimism was the source of his faith in the dark days before and during the war. In a universe ruled as he believed by moral law, it was inconceivable to him that Slavery could triumph in the contest with Freedom.

Sumner's friendship was pervaded by a warmth of sympathy rarely to be found in a man. "Heaven lend me in perpetuity," wrote Greenleaf, "your ever-gushing fountain of self-denying kindness to friends!" [2] He seems never to have been happier

[1] F. V. Balch, quoted by Pierce, Vol. IV, p. 344.

[2] In Washington, during the strenuous days of the war, he gave of his time and strength without stint in aiding those who were trying to get to some wounded soldier or to recover the

than when helping a man of aspiration and promise to secure a firmer foothold on the ladder. He would leave his desk to go out on 'change and raise among his friends the funds to send an ambitious boy to college. His ardent and tireless efforts to gain recognition for Crawford, his eager commendations of the works of Lieber and Longfellow, of Prescott and Motley, to European critics are typical of his abounding helpfulness. It may be that we have Sumner to thank for *The Scarlet Letter*. While George Bancroft was Secretary of the Navy, under date of January 9, 1846, Sumner sent the following letter to Mrs. Bancroft:

"You will think that I never appear, except as a *beggar*. Very well. I never beg for myself. But I do beg now most earnestly for another; for a friend of mine and of your husband's; for a man of letters, of gentleness.

"I have heard to-day of the poverty of Hawthorne. He is very poor indeed. He has already broken up the humble and inexpensive home which he had established in Concord, because it was too expensive. You know how simply he lived. He lived almost on nothing; but even that nothing has gone. Let me say to your husband (for I would not quote Latin to a lady)

bodies of their dead. Colonel Higginson says of him: "I have never known in public life so prompt and faithful a correspondent, or one so ready to espouse the cause of some individual, man or woman, who needed aid. He had no band of henchmen, no one who had been won to support him for value received; but the blessings of the poor, the friendless, the powerless were his."—*Contemporaries*, p. 290.

"'Nil habuit Codrus. Quis enim negat? Et tamen illud
Perdidit infelix totum nihil.'

"Some of his savings were lent to Mr. Ripley at Brook Farm; but he is not able to repay them, and poor Hawthorne (that most gentle true nature) has not wherewithal to live. I need not speak of his genius to you. He is an ornament of the country; nor is there a person of any party who would not hear with delight that the author of such Goldsmithian prose, as he writes, has received honor and office from his country.

"I plead for him earnestly, and count upon your friendly interference to keep his name present to the mind of your husband, so that it may not be pushed out of sight by the intrusive legion of clamorous office-seekers or by other public cares.

"Some post-office, some custom-house, something that will yield daily bread,—anything in the gift of your husband,—or that his potent influence might command—will confer great happiness upon Hawthorne, and, I believe, dear Mrs. Bancroft, it will confer greater happiness on you. . . .

"I wish I could have some assurance from your husband that Hawthorne should be cared for. . . .

"I wrote your husband lately on peace; but he will not heed my words.

"Believe me, dear Mrs. Bancroft,

"Yours sincerely (provided you *do not* forget Hawthorne)

"CHARLES SUMNER."

Bancroft replied, under date of January 13, 1846. . . . "As to Hawthorne, I have been most perseveringly his friend. I am glad you go for the good rule of dismissing wicked Whigs and putting

in Democrats. Set me down as without influence, if so soon as the course of business will properly permit, you do not find Hawthorne an office-holder."

Six weeks later Bancroft wrote to President Polk, endorsing the appointment of Hawthorne as Surveyor at the Salem Custom House.[1]

Brief mention must be made of Sumner's marriage. In early life he is said to have met with a crushing disappointment. In later years his conversation and letters gave frank expression to his loneliness and his envy of the domestic joys of his friends, but until he had become middle-aged and famous he seemed to have renounced all thought of such happiness for himself. In the weeks following his mother's death, he confided to a friend that now for the first time in his life he might feel at liberty to marry, adding the somewhat cool-blooded explanation that he had never before had the means to support a family. For several years it had been his habit to dine as often as once a week at the home of Congressman Hooper, and it was no surprise to intimate friends when Sumner announced his engagement to Mr. Hooper's daughter-in-law, a handsome and ambitious young widow of twenty-eight, with one daughter eight years of age. He entered upon his new experience with high hopes and with the felicitations of a host of friends,—none more sympathetic and cordial than an exquisite letter from George Bancroft.[2] To Whittier, Sumner

[1] Howe, *Life and Letters of George Bancroft*, Vol. I, pp. 264–267.

[2] Pierce, Vol. IV, p. 303.

wrote: "To-day [October 17, 1866] at three o'clock, I shall be married, and at the age of fifty-five begin to live." But his hopes were doomed to speedy disappointment. October and May did not prove congenial, and before the first anniversary of their marriage, they had separated forever. A few years later Sumner secured an uncontested divorce. Throughout this bitter experience he retained the affectionate regard of his friends. Mr. Hooper, whose sympathies would naturally be with his daughter-in-law, relying, as he said, "upon Sumner's manly strength and magnanimity," tried to bring about a reconciliation, but his failure to do so did not cloud his friendship and admiration for Sumner, with whom he remained on terms of the closest intimacy till death.

In the first fourteen years of Sumner's life in Washington, he occupied modest and inexpensive lodgings. But in 1867 he bought a house, overlooking Lafayette Square, standing upon a part of the site now occupied by the Arlington Hotel. This was to be his home for the remaining years of his life, and into his arrangements and furnishings he wrought his own individuality, so that it became one of the notable houses in Washington. He gave much thought to the disposal of his treasures, the fruits of years of foreign travel, grouping them according to some principles of association, which he delighted to expound to his friends. "So numerous were the paintings that not only every inch of wall space in the halls as well as in the principal

rooms was covered, but many pictures hung on the doors, stood in the corners, acted as screens for fireplaces, or stood on movable easels." For years Sumner had been an enthusiastic collector of engravings, of which he was a better judge than of paintings. The best of these, to the number of nearly one hundred and fifty, framed in accordance with his own notions, hung upon his walls, where they were later appraised at over $10,000. Though an omnivorous reader, Sumner always placed large dependence on public libraries, so that in his own library most of the books were "tools, rarities or authors' presentation copies." Among the rarities were the Bible which solaced Bunyan in Bedford Gaol, Erasmus's "St. Luke," with original pen-and-ink designs by Holbein on the margins, Milton's "Pindar," and a host of others, which now, with Sumner's splendid collection of autographs, fill several cases in the treasure-room of the Harvard University Library. Among his autographs, the one Sumner prized most was in an album, "kept at Geneva, 1608–1640, in which Milton had recorded his name, an extract from Comus, and a line from Horace." In the later years of his life, he "gathered new works about him until every table, chair and lounge was groaning under their load, and heaps so encumbered the floor that navigation among the piles was difficult if not dangerous."

To this scholar's retreat a warm welcome was always extended to congenial friends. Phillips and Howe, Palfrey and E. L. Pierce, and other New Eng-

landers were his guests when in Washington. Caleb Cushing was oftenest at his table. Dickens dined here with Stanton; in fact, few foreigners of eminence visited Washington without being dined by Sumner. It may be doubted whether Sumner ever knew happier hours than when he gathered a few choice friends about his own table, or sat discoursing with them of the teeming reminiscences suggested by rare books and engravings which crowded them on every hand.

It was a marked characteristic of Sumner that he "had no humor himself and little sense of it in others." One who knew him intimately as a young man declared that though an interesting talker, "he had no lightness of touch, . . . was put off his feet by the least *persiflage;* if it was tried on him, his expression was one of complete astonishment." Holmes said that anything of the nature of a jest came very hard to Sumner, who would look bewildered and almost distressed with pleasantry that set a company laughing. He quoted a common friend as saying that "if one told Charles Sumner that the moon was made of green cheese, he would controvert the alleged fact in all sincerity, and give good reasons why it could not be so." Schurz declared that Sumner "almost always failed to see the point of the quaint anecdotes or illustrations with which Lincoln was fond of elucidating his argument, as with a flashlight. Sumner not seldom quoted such Lincolnisms to me, and asked me with an air of innocent bewilderment, whether I could guess what

the President could possibly have meant." [1] It was this lack of humor which made him always take himself with such portentous seriousness, and prevented his relaxing to meet his fellows on their common plane. Mrs. Julia Ward Howe once invited him to meet Edwin Booth at her house. He replied, "I do not know that I wish to meet your friend. I have outlived my interest in individuals." In her diary Mrs. Howe recorded this somewhat ungracious utterance with the comment: "God Almighty, by the last accounts, has not got so far as this!" [2] A nagging colleague once attributed Sumner's persistent criticism of the administration to dyspepsia, whereupon Sumner assured the Senate that he had never suffered from dyspepsia in his life. When questioned as to the alleged venality of the Senate, he gave as his ground for believing that the stories were exaggerated: "I am quite sure that no one ever approached me with an underhand proposal." The story is told that "one afternoon when he was leaving Dr. Howe's garden at South Boston, the doctor's youngest daughter ran out from the house and called to him: "Good-bye, Mr. Sumner!" His back was already turned, but he faced about like an officer on parade, and said with formal gravity: "Good-evening, child!" so that the little girl's sprightly mother could not help laughing at him. It is a great pity that Sumner did not know the joys of a home of his own in his early manhood.

[1] *Reminiscences*, Vol. II, p. 312.
[2] *Ibid.*, p. 174.

With the corrective of wife and child, his outlook upon life might have become not only humane but simply and frankly human.

Sumner was not without certain foibles which grew upon him with age and attracted the more attention because of his greatness. Thus, he prided himself upon his artistic sense: he was much given to quoting poetry, yet with no fine feeling of its values; he collected paintings and other works of art, enjoyed haunting studios, took great delight in the theatre and opera, wrote not a little in the way of art criticism, and in his later years devoted all the time and more money than he could spare to the collecting of old engravings, manuscripts and other literary curios. Yet in none of these fields of interest did he show genuine artistic discrimination. His most intimate friend among artists, William Wetmore Story, said of him: "The world of art, as art purely, was to him always a half-opened, if not a locked world. He longed to enter into it, and feel as an artist does; but the keys were never given to him." His taste in sculpture may be indicated by his congratulations to Greenough (to whom he once referred as "I doubt not the most accomplished artist alive") upon the completion of his "Washington" as "sure to give you fame," though he warns him that he must not be annoyed by the "criticisms of people knowing nothing about art." [1]

[1] For sixty years this sculptural abortion—"The Father of his Country," nude to the waist, with a blanket over his knees, seated in an ornate Roman chair, his hand upraised as if sig-

Sumner bequeathed his collection of nearly a hundred paintings to the Boston Art Museum, authorizing its trustees to sell what they did not care to keep. More than two-thirds were forthwith sold; of the pictures retained, only two are occasionally shown in the galleries.

A foible which subjected Sumner to some criticism and which became more prominent in his later years, was a craving for approval, seemingly as inconsistent with his breadth of mind as with his independence in action. He showed little of this in his college days, and intimate letters indicate that he returned from his tour of Europe singularly unspoiled by the unprecedented attentions showered upon him which could hardly fail to turn the head of so young a man. But the lionizing which awaited him, and the sudden fame which followed his first oratorical triumphs heightened his appreciation of himself and of his powers. Night after night, the facing of great audiences under the spell of his magnificent presence and splendid eloquence almost inevitably made the speaker more statuesque. It was

naling a passing car—sat facing the Capitol. At last it has been suppressed.

Sumner, however, rendered a genuine service to art by a speech in the Senate showing the absurdity of making a contract for a statue of Abraham Lincoln, to be executed by Vinnie Ream, an aspiring young woman from the West, who had never attempted anything more ambitious than a portrait bust. He insisted that national dignity demanded the very best examples of American sculpture for its capital, and he referred to several sculptural groups of a much lower grade,—nuisances which have not yet been abated. Speech in Senate, July 17, 1866.

noted that as he crossed the Public Garden in Boston, he had a habit of pausing to gaze upon the bronze of Story, and the irreverent concluded that he was wondering how he himself would look upon a pedestal,—as he now stands over against his sometime teacher. He used to ask his friends if they could see his resemblance to Edmund Burke; and three pictures of Burke were to be found in his study. As he strode the street or mounted the platform, people thought he was not unpleasantly conscious of the impression he was making. In the Senate he knew, as every one else knew, that for years he had no peer in learning, in eloquence and, by a strange combination of causes, in influence. He was at all times a bit forensic; he never quite shook off the senator's toga. With his growing fame and power, in his last years the savor of incense became more sweet to his nostrils, and he unconsciously exacted not only agreement but deference from those who would be his friends. The opening of his morning's mail was quite a function, at which he was obviously gratified to have his guests present, as he read selections from the letters of this and that distinguished correspondent. In social gatherings he expected to lead the conversation, to dominate the dinner-table. The caustic editor of *The Nation* wrote to a friend of "a dinner at the 'Radical Club,' with Sumner opposite me smiling like a benign god on his disciples and dispensing wisdom piecemeal;" and added other words which showed Sumner's weaknesses not more clearly

than some of the temperamental limitations of his gifted critic.

But if this love of deference and approval seem a surprising weakness in so great a man, two things are to be remembered. To Sumner praise was a thing which it was ever more blessed to give than to receive. Whenever a friend achieved some success or produced a good piece of work, no one was more prompt in generous congratulation and encouragement; and he who found such joy in lavishing praise where it was merited, felt chilled if others withheld approval when he deserved well. What seemed to some an inordinate love of commendation was rather, as Senator Hoar says, a love of sympathy. Moreover, keenly as he appreciated praise, he never aped the courtier or shifty politician to cater for it. Grateful, indeed, was the approval of friends and of the public, when it came; but his eyes were fixed on the stars, and through good and evil report he swerved his course neither to the right hand nor to the left to catch popular favor. Indeed, Sumner's faults and foibles were but the defects of his qualities. If he was at times unpractical, it was through loyalty to a high ideal. If he was over-persistent in urging his favorite measures, it was from an excess of zeal for right as he saw it. If he showed little willingness to yield even on minor points in order to secure common action, it was but an evidence of that uncompromising tenacity of purpose so rare among public men at the time when he entered the Senate.

These characteristics made Sumner hard to get on with, but they left no cloud upon his fame. Far outweighing them were qualities which won respect and admiration even from bitter opponents. Known of all men were the stainless purity of his life, his freedom from any unworthy self-seeking or ambition, his generous sympathy with the oppressed of every race and land, his magnanimity, and his dauntless courage. But to those who came closest to him as a man, he revealed qualities which strangers would hardly have believed he could possess,—a character as simple as that of a child, gentleness and tenderness rarely blended with such rugged strength, and a sympathy so warm, so deep, as to make his friendship a treasure and an inspiration.

CHAPTER XIX

CIVIL RIGHTS AND THE BATTLE-FLAG RESOLUTION: CLOSING SCENES

To Sumner's way of thinking, the war's results for the freedmen were but half secured when they were given the ballot. He believed that enlightened statesmanship and justice required that the negroes be placed upon precisely the same plane with the whites. In the next session of Congress, therefore, Sumner made a most stubborn fight to secure the passage of his Civil Rights Bill, which included sweeping prohibitions of discriminations on account of race or color, in railway cars, theatres, inns, churches, and cemeteries, and in jury service. Every device of the expert parliamentarian did Sumner bring to the support of this measure.[1] He sought to attach it as a rider to the Amnesty Bill, declaring that the act of justice and the act of generosity should stand together. By the casting vote of the Vice-President he succeeded, but the amendment weighted the Amnesty Bill so heavily that it failed to secure the requisite two-thirds vote. Months later the bitter contest was renewed, and carried through substantially the same stages. At

[1] Dec. 20, 1871. *Congressional Records*, 42d Congress, 2d Session, p. 244. H. E. Flack, *The Adoption of the Fourteenth Amendment*, p. 250.

one juncture Sumner's opponents took an unfair advantage of him. At 5 : 45 A. M., at the end of an all-night session from which illness had compelled him to be absent, his favorite measure was called up without warning, was stripped of almost all its force by amendments, and then passed. Coming to the Senate a few hours later, Sumner denounced this underhand proceeding, and reintroduced his own measure. The outcome of months of most persistent fighting was defeat : the Amnesty Bill became a law, but civil rights secured no additional safeguards from this Congress.

During this session Sumner was drawn into a controversy which aroused not a little bitterness at the time, but which has now passed almost entirely out of mind. The question arose over some suspicious circumstances under which arms had been sold to France during the Franco-Prussian War. In a study of the present scope, it is not necessary to go into the matter in detail. Sumner and Schurz received information which led them to believe that sales of arms by the United States to agents of France had been made and continued in violation of the obligations of neutrality. After years of strenuous insistence upon these obligations in the controversy over the *Alabama* claims, Sumner could not tolerate the idea that his own country should show herself lax in this regard. He therefore moved the appointment of a committee of investigation. The proposition was sharply antagonized by champions of the President, and the debate—in

which Schurz took the leading part because of Sumner's ill-health—led to much angry discussion. Sumner and Schurz were denounced as "emissaries" and "spies" of foreign governments, their treasonable offense consisting in their raising the question whether their country had been doing its full duty as a neutral. The motion was finally carried. Sumner stated that his health would not permit his serving on such a committee. Its members were then elected by the Senate, and, in disregard of precedent and of fair-dealing, not one of the seven was chosen from those who had spoken in favor of the inquiry, although its most strenuous opponents were given places. The voluminous report of this committee disclosed no ground for blame of the War Department or of other officers of the government. Sumner assailed the report as "wanting in ordinary fairness, unbecoming in tone, unjust to senators who had deemed it their duty to move the inquiry, and ridiculous in its attempt to expound international law." No fair-minded man could question Sumner's conscientiousness in forcing this investigation, but many of his friends regretted that he had allowed so much of his waning strength to be diverted to a controversy, almost the only result of which was to embitter still further his relations with the administration.

But the subject most in men's minds during this session was the approaching presidential election. Aside from his antagonism to Grant, Sumner would have opposed his reëlection on general principles:

he renewed at this session a measure which he had advocated in previous years,—a constitutional amendment making a President ineligible for a second term. He qualified this, however, by a clause which made it inapplicable to the pending election. A resolution which he introduced later aimed to secure the election of President by popular vote.

In 1872 there were many who had been leaders in Republican party councils who now believed that the reëlection of Grant would not be for the best interests of the party or of the country. His personal associations, and "*aide-de-camp*-ish" tendencies (as Sumner called them); his lack of skill or tact in the choice and retention of trustworthy advisers; his high-handed pursuit of his own will, as in the San Domingo scheme; the abuses that he allowed to go unchecked—all these created the wide-spread feeling which gave rise to the Liberal Republican party. This came into existence primarily to prevent Grant's reëlection; its leaders included many men of light and leading, notably Schurz and Trumbull, and a group of the most influential journalists, among whom were Horace Greeley, Whitelaw Reid and Samuel Bowles. A convention was called to meet in Cincinnati, May 1, 1872, and for weeks in advance of that date leaders of the movement besought Sumner to ally himself openly with them, urging the steadying influence which his support would give to the enterprise.

But Sumner was always reluctant to commit him-

self as to the choice of candidates. He seemed to regard such campaign work as hardly fitting in a senator, and for the personal side of politics he had little liking or aptitude. He frankly acknowledged that in the pending election his two desires were "(1) the protection of the colored race, and (2) the defeat of Grant." There were shrewd politicians who believed that if he would come out with a hearty endorsement of the movement, his own name would be the probable choice of the Cincinnati convention. No other man personified so fully the grounds for opposition to Grant, and there is no question that Sumner's heart was set upon reconciliation between the sections, though his methods did not appeal to men of the South. His failing health was a serious objection to his candidacy. It is hardly possible that he could have been elected, for his name would not have been acceptable to Democrats, North or South.[1] Nor would he have made a strong President, particularly at that juncture. Sumner had had singularly little experience in administrative work, and it is hard to imagine his exhibiting the tact necessary to get on well with the heads of departments, or with

[1]Nevertheless his name did receive serious consideration from some Democrats. In the Springfield *Republican* of June 18, 1872, appeared a letter, signed "A Jeffersonian Democrat" and addressed to members of the National Democratic Convention, to assemble in Baltimore the following month. Reprinted as a broadside, this letter is in the Sumner Collection in the Harvard Library. It is headed: "For President, Charles Sumner of Massachusetts. For Vice-President, William S. Groesbeck of Ohio." It puts Sumner forward as the candidate who would draw the largest following away from Grant.

Congress. His talent and his task lay in quite other lines.

It is difficult to see what advantage Sumner expected would result from his reserve. Had he come out into the open, he might have helped steady the opposition to Grant and force at Cincinnati a nomination that would have given promise of success. Even after the preposterous choice of Greeley had been made, Sumner still delayed in declaring his intentions. He wrote to a friend: "Nor have I ever given a hint to a human being as to my future course. . . . Of this I shall not speak until I can see the whole field, and especially the bearing on the colored race." He found himself between two fires, importuned on the one hand to help lead the Liberal Republicans to victory, and on the other, in spite of the grievous wounds he had received at its hands, not to desert the party with which from its beginning he had fought so valiantly. Wilson, who had earlier tried to heal the breach between Grant and Sumner, was now eager for the vice-presidency, and renewed his appeals to Sumner's loyalty to party. Sumner kept upon terms of friendship with Wilson, but from the press and from the cartoonist he received much undeserved abuse for his "sulking in his tent" and deserting his old party.

Yet his mind had long been made up: the session should not end without his setting forth the reasons why in his opinion Grant should not be reëlected. Under cover of speaking to his motion for the indef-

inite postponement of the appropriation bill, on the last day of May—four days before the end of the session—he launched into a fierce philippic against the President. The Senate chamber and galleries soon were thronged. Sumner spoke with intense feeling. There were vulnerable points enough in Grant's career as Chief Executive ;[1] nevertheless, it was felt that Sumner overshot his mark. He arraigned Grant as a Borgia, a Farnese, a Barberini, "a Cæsar plotting against the peace and life of the Republic." Such denunciations showed an utter misconception of Grant's character. Moreover, Sumner injured the effect of his words by making no mention of the general's transcendent service to the nation during the war,—service which in the minds of the people far outweighed the venial offenses which Sumner was here exaggerating. Even among

[1]Sumner ridiculed Grant's preparation for the presidency. In bad taste he quoted Stanton, who had recently died, as declaring: "He [Grant] cannot govern this country." He arraigned him for nepotism, citing newspaper assertions as to the number of his relatives who had become holders of office. He assailed his gift-taking with repayment with office, and rebuked him for quarrelsomeness, declaring that he spent his time "listening to stories from horse-cars, gobbling the gossip of his military ring, discoursing on imaginary griefs and nursing an unjust anger." As to his conduct of foreign relations he declared: "Here the President touches nothing which he does not muddle. In every direction is muddle,—muddle with Spain, muddle with Cuba, muddle with the Black Republic, muddle with distant Corea, muddle with Venezuela, muddle with Russia, muddle with England,—on all sides one diversified muddle." . . . "I dismiss the apologies with the conclusion that in matters to which they invite attention his presidency is an enormous failure."—"Republicanism *vs.* Grantism," *Works*, Vol. XV, pp. 83–171.

Grant's opponents there was a feeling that Sumner's arraignment had been both overwrought and ill-timed. In the months before the Cincinnati convention it might have united the opposition. But it was now too late, for his renomination and (it is not too much to say) his reëlection had been assured from the moment Greeley was accepted as the Liberal Republicans' candidate. Sumner always held extravagant notions of the power of Senate speeches to determine political action; at the end of his speech he firmly believed that his words had given the *coup de grace* to Grant's hopes for a second term, and was utterly astounded and incredulous when a friend expressed doubt whether his speech would now have much effect upon the election.[1]

Not until the end of July did Sumner declare for whom he should vote. Then, in a letter to colored citizens who sought his advice, he announced his intention to support Greeley as "unquestionably the surest trust of the colored people." In comment upon this letter in *Harper's Weekly*, Curtis turned back upon Sumner the words which Sumner had used to him upon his endorsement of Grant: "You have taken a tremendous responsibility. God keep your conscience clear!"[2]

[1] Carl Schurz, in *Massachusetts Memorial to Sumner*, p. 241. When Boutwell expressed the belief that Grant would be elected, Sumner "held up his hands and in a tone of grief said: 'You and Wilson are the only ones who tell me he has any chance.'" —*Sixty Years in Public Affairs*, Vol. II, p. 217.

[2] Curtis said to him: "The slave of yesterday in Alabama, in Carolina, in Mississippi, will his heart leap with joy or droop dismayed when he knows that Charles Sumner has given his

Sumner wished to take part in the campaign,—at least, to present his views to his constituents from the platform of Faneuil Hall. But the summer found him so seriously unstrung by the labors and trials of the recent months in Congress that friend and physician united in insisting upon his seeking relaxation and restoration abroad. On the morning that he sailed, there was given to the press his message. It was more temperate than his recent speech in its attacks upon the President; insisted that in all his labors in relation to reconstruction he had been looking forward to a time of reconciliation; and rejoiced at the acceptance by the Democrats of the South of the Cincinnati platform as the best pledge that the era of harmony was at hand.

In Liverpool Sumner was met by the unwelcome announcement that at conventions of the Democrats and Liberal Republicans, held while he was on the ocean, he had been nominated by acclamation for governor of Massachusetts. The object in using his name was to help out the Greeley campaign, but

great name as a club to smite the party that gave him and his children their liberty?" The tears started to his eyes, that good gray head bowed down, but he answered sadly, "I must do my duty." And he did it.—*Orations*, Vol. III, pp. 246–247. J. M. Forbes was another friend who besought Sumner to reverse his decision: "Nobody knows better than you that when his kindness of heart, his fear of violence, or his prejudices and hobbies are concerned, Greeley can never be depended on in a pinch. . . . Now you are the *very antipode* of Greeley in firmness and tenacity of purpose. You may for a while act as a balance-wheel, but with his Democratic millions at his back I have not the slightest hope that you can keep him out of the reactionary vortex (if he should be elected)."—*Letters and Recollections*, Vol. II, p. 182.

Sumner immediately sent an absolute refusal to accept the nomination, and another name was substituted.

After a wearying week in London, he went to Paris, where he spent a month, receiving many kind attentions from French and American friends. He was much disappointed at not finding there Dr. Brown-Séquard, who had recently gone to America. He seemed far from well, and greatly depressed. To a friend he declared: "I know the integrity of my conduct and the motives of my life. Never were they more clear or absolutely blameless than now. But never in the worst days of slavery have I been more vindictively pursued or more falsely misrepresented." He found stimulus and relief from his depression in indulging his eager quest for rare books and manuscripts. He had interesting interviews with Laboulaye, Thiers, the Duc d'Aumale and with Gambetta, whom he had much wished to meet. As they parted, Sumner said: "I am not French, and I know your country too little to be justified in pronouncing judgment on her political principles; but you wish to found a republic without religion. In America we should consider such an undertaking chimerical and doomed to certain defeat."

After a couple of days with Motley at The Hague, Sumner returned to London, where he spent much time in the libraries and galleries, and in collecting curios. In these weeks in London and Paris he expended about six thousand dollars for auto-

graphs and literary rarities. Unfortunately, he had gained little skill as a bargainer or as a connoisseur, so that as a purchaser he was the delight of the dealers.

The morning before he left London for the last time, he breakfasted with Dean and Lady Stanley; he was next the guest of the Duke of Devonshire at Chatsworth; regretfully declining an invitation to visit the Duke and Duchess of Argyll because of the length of the journey, he spent his last night in England with John Bright. The conversation took a wide range, but Bright noted "a great gentleness in all he said, with a sadness and a melancholy which left upon us the impression that he felt himself seriously ill, and that his life of work was nearly ended." Upon landing in New York, he was much saddened to learn of the illness, soon followed by the death, of Greeley, broken-hearted by the loss of his wife and by his disastrous defeat.

It was a depressing session upon which Sumner was now to enter. His health was so poor that he was obliged to ask relief from committee service. He went to the Senate daily for about two weeks, during which he did not neglect to urge his Civil Rights Bill and a bill to prevent race discriminations in the schools of the District of Columbia. But from the middle of December to the close of the session he was compelled to absent himself from his seat; in the special session beginning in March, he appeared but once, to present the credentials of his new colleague from Massachusetts. The call for the

Republican caucus at the opening of this session was addressed only to those who had supported the Republican platform and Grant, and no committee assignment was made by the caucus to Sumner or to any other member who had voted for Greeley.

Probably no act of Sumner's political life led to more unexpected results than did the introduction by him of a certain bill early in the regular session.[1] Its main provision ran as follows: "Whereas the national unity and good-will among fellow-citizens can be assured only through oblivion of past differences, and it is contrary to the usage of civilized nations to perpetuate the memory of civil war; therefore, be it resolved, etc., that the names of battles with fellow-citizens shall not be continued in the Army Register, or placed on the regimental colors of the United States." In previous years Sumner had introduced measures of similar character which had received the cordial approval of General Scott and General Anderson;[2] they had aroused no wide spread attention, still less opposition. But now, although the war spirit might be supposed to be allayed, apparently there was a disposition to exact from Sumner the penalty for his desertion of the party. In the House, a bill of precisely opposite intent was hastily passed, and opposition was announced in the Senate; but both measures were there laid upon the table because of Sumner's illness.

[1] December 2, 1872. *Works*, Vol. XV, p. 255.

[2] *Supra*, p. 262.

It happened that at the time when he introduced this bill there was being held a special session of the Massachusetts legislature,—"a dead legislature, galvanized into life by the governor's proclamation" solely to attend to matters connected with the great fire in Boston. Sumner's bill caught the eye of an ex-soldier, who brought in a resolution strongly denouncing it. The end of the session was close at hand and less than one-fourth of those there present had been reëlected to the new legislature which was to meet within three or four weeks. Members therefore acted under little sense of responsibility, and in fact with slight observance of parliamentary formalities. An irregular report from the committee to which the matter had been referred denounced Sumner's bill as "an insult to the loyal soldiery of the nation" and as "meeting the unqualified condemnation of the people of the commonwealth." The debate upon the report was crowded into two days, and despite vigorous opposition, led by Colonel Charles R. Codman, it was adopted, largely owing to the insistence that it was demanded by the old soldiers. So hurried had been the procedure that it took the public by surprise. But the press and even the pulpit now came promptly to Sumner's defense. Whittier took the lead in a movement to secure the rescinding of the resolution of censure, and a petition, signed by more than 5,000 names, including those most eminent in the commonwealth, was promptly presented to the new legislature and reinforced by an appeal,

signed by distinguished men from all over the country, including Chief-Justice Chase, William Cullen Bryant, and Frederick Douglass. The petitioners were more vigorously than tactfully represented before the committee by ex-Governors Claflin and Washburn and by the Rev. James Freeman Clarke. Senators and representatives who had been members of the previous legislature took offense at criticisms passed upon that body ; there was also surprising opposition from William Lloyd Garrison and from Mrs. Julia Ward Howe, who had been one of the petitioners for rescinding. Much was made of the alleged "soldier feeling" against Sumner's bill, and the point was urged that it was not competent for the present legislature to revoke a resolution of its predecessor. The result was that, while the public came to see Sumner's proposition in its true light, the legislature, by large majorities, refused to annul the censure.

Sumner grieved over an injustice, which, had he been in health, he might have regarded with indifference. He longed to defend himself in the Senate, and would have attempted it at the risk of his life, had his physician not warned him that the strain might cause prolonged mental disability, the fate which he had always most dreaded. Months of enforced absence from his place in the Senate made him morbid. To Vice-President Wilson he said: "If my *Works* were completed, and my Civil Rights Bill passed, no visitor could enter that door that would be more welcome than Death." Yet he was

the recipient of many letters of sympathy, and with the coming of spring he began to show signs of improvement, so that he could take drives and spend some time each day at the Congressional Library in the revision and annotation of his *Works*. Wilson and he were soon to be brought into deeper sympathy, for the Vice-President was stricken by paralysis in May, so that both these friends and comrades of many years were to know months of disheartening interruption of their public service and of anxious effort to force their enfeebled powers in literary tasks which neither was to bring to completion. Sumner's friends urged him again to seek health abroad, but he felt that he could not afford such a vacation trip, and even made arrangements for a long lecture tour in the fall, in order to pay off something of the indebtedness incurred by his previous lavish expenditures in Europe, and by his costly illness. But Wendell Phillips and other friends insisted upon his canceling these engagements and husbanding his strength.

The months before the assembling of Congress brought him much cheer. He was gratified by an election to the Massachusetts Historical Society, from which his anti-slavery views had doubtless debarred him in his early manhood. He had happy reunions with Longfellow, Agassiz, Emerson, Holmes, Judge Hoar, and others at the monthly dinner of the Saturday Club, and he was cordially received at many gatherings of business and literary men. It was a joy in these last years of his life to

reknit his intimacy with Hillard, from whom slavery dissensions had parted him. Hillard had shown great tenderness toward him as he sailed for Europe, the previous year, and now, though stricken with paralysis, he welcomed Sumner to his home, and for the last time the two renewed many fond memories.[1]

Shortly before his return to Congress, Sumner did a public service in connection with the *Virginius* case. The seizure of this vessel while flying the American flag and the execution of a considerable number of the men who had been aboard her, aroused intense feeling, and a great public meeting was projected in New York to voice the popular indignation against Spain. Sumner was invited to be one of the speakers, but instead of accepting he sent a letter in which he advised delay and calm investigation of the

[1] One incident of Sumner's last dinner with Hillard is of interest. "The old cook had been a slave in Georgia, and was greatly excited over the preparations of a dinner for the man who was to her the deliverer of her race. Mr. Hillard told Mr. Sumner what a solemn occasion it was to her. Mr. Sumner said it was the custom in some places to send a glass of wine to the cook when the dinner was unusually good, and begged permission to do so, which he did, rendering the old woman almost beside herself with pride. The servants had told me of their earnest desire to see the great man, and I asked Mr. Sumner if he could gratify them. He assented, simply and readily. I shall never forget how he looked as he stood in the doorway of the dining-room, almost filling it in height and breadth, while those two poor, homely black women, one of them scarred by injuries received in slavery, reverently kissed his hand. It was a scene full of significance. We looked on with wet eyes; but he was rather embarrassed, and glad to escape up-stairs. I also remember that the kitchen department was demoralized for some days following." Told by an eye-witness. Pierce, Vol. IV, p. 570.

facts, deprecating the war spirit and preparations which the meeting bade fair to excite. In an interview in the *Tribune* he elaborated these views with very salutary effect. His efforts called forth most hearty approval from the judicious, and it was presently shown that the facts of the case afforded not the slightest warrant for the furore into which hotheads were striving to plunge the country.

Despite his recent differences with the administration and the censure of the Massachusetts legislature, Sumner found on all sides assurances of popular regard; and he returned to Washington with the consciousness that at no period of his public service had the heart of Massachusetts been more with him. Nothing was more certain than that the censure would be speedily removed and that his reëlection to the Senate in 1875 would be unchallenged.

A cordial greeting awaited Sumner at the opening of Congress, but his assignment to a low place on two committees with which he had never been associated indicated that he was not considered a Republican. Senior senator in length of service, he seized the first opportunity to introduce a list of eight measures which he intended to urge. Foremost in his interests was the Civil Rights Bill introduced by him in 1870. Never vindictive, the policies he now advocated were those which he believed would soonest heal the breach. Even in the heat of the Grant campaign his counsel had been: "Nothing in haste. Nothing in vengeance. Nothing in passion. I am for gentleness. I am for a velvet glove; but

for a while I wish the hand of iron." In urging his favorite measure in the Senate, he showed the same magnanimity. "Sir, my desire, the darling desire, if I may say so, of my soul, at this moment, is to close forever this question so that it shall never again intrude into these chambers—so that hereafter, in all our legislation, there shall be no such word as 'black' or 'white,' but that we shall speak only of citizens and of men." He now desired that the bill should be acted upon directly by the Senate. Reference to a committee was insisted upon, but the debate indicated that sentiment was more friendly than formerly both to Sumner and to his favorite measure. The report was not made until several weeks later; with trifling changes the bill was then passed by the Senate by a party vote of twenty-nine to sixteen. It prohibited discriminations on account of race or color in inns, public conveyances, theatres, schools, cemeteries and juries.[1]

[1] The House, however, did not act upon this measure and it was not till a year later (February, 1875) that a civil rights bill, originating in the House, and omitting the prohibitions as to schools—which Sumner would have considered fundamentally essential—and as to cemeteries, became a law. Eight years later the Supreme Court annulled this Act on the ground that the discriminations which it prohibited were not incidents or elements of slavery, and hence subject to the power of Congress under the Thirteenth Amendment, and that under the Fourteenth Amendment, while Congress might possibly legislate in correction of state laws held to infringe civil rights, it might not impose these prohibitions directly upon citizens of the individual states. Sumner's reply would have been his dictum, "Whatever is for human rights is constitutional." Fortunately time had already proved that the need for such drastic legislation was not so great as Sumner had believed.

Sumner's devotion to this movement for the protection of civil rights was the explanation of his supporting both by voice and vote the nomination of Caleb Cushing for Chief-Justice of the Supreme Court. Cushing's career and party allegiance had been marked by great inconsistency. Up to the actual outbreak of the war he had been a zealous partisan of the South, his indiscreet utterances and actions on several occasions having caused much annoyance to the Federal government. It had been his opposition more than that of any other one man which delayed for three months Sumner's first election to the Senate by the deadlock in the Massachusetts legislature. Sumner, as he truly said of himself, "did not cherish old differences and animosities." Of late years Cushing had come into close sympathy with the government, and Sumner had greatly prized his genial and intelligent friendship; so, in spite of the man's inconsistent record and the personal opposition which he had shown Sumner years before, when once the senator became convinced that Cushing was now in sympathy with his own views on the Civil Rights Bill, against the urging of most of his Massachusetts advisers and friends, he warmly supported Cushing's nomination. The name was withdrawn, however, when it became known that even after Lincoln's inauguration, Cushing had been in friendly correspondence with Jefferson Davis.

In February, 1874, Sumner was actively engaged upon the annotation of his *Works*, devoting especial

attention to his "Prophetic Voices Concerning America," which was to be given separate publication as appropriate to the centenary of American independence. In fact the very last measure which Sumner debated was the bill providing for the Centennial Exposition at Philadelphia. He was heartily in favor of a dignified *national* commemoration of the great anniversary, but earnestly opposed what he characterized as "the monstrosity of a world's fair linked with the commemoration of the national natal day."

Early in 1874 the new Massachusetts legislature by large majorities rescinded and annulled the resolution of censure passed upon Sumner two years before for his "battle-flag" resolution. Whittier was jubilant, and proud that, like Benton in the case of the Senate's censure of Jackson, "solitary and alone I set the ball in motion." A colored friend of Sumner's, who had been on the committee which reported the rescinding resolution, was deputed to take it to Washington.[1] It was promptly brought to the attention of the House, but in the Senate its presentation was delayed because of the illness of Sumner's colleague from Massachusetts.

This act of justice was a great comfort to Sumner.

[1] In speaking of the sympathy and sensitiveness which underlay Sumner's stately manner, N. P. Banks said that when these resolutions were presented to Sumner, "he received them with equanimity; he spoke a few words of one or two gentlemen connected with the [Massachusetts] government, whom he knew, and then, overcome with emotion, wept as a child." Address before Mass. Senate, March 13, 1874.

He did not care to address the Senate upon it: "The dear old commonwealth has spoken for me, and that is enough." The joy that he had thus been vindicated came at a time when solace was sadly needed, for early in March he suffered severe pains in the heart and could find relief and sleep only by the use of opiates. On the 10th, against his physician's advice, he went to the Senate, for on that day Senator Boutwell was to leave his sick-room for the first time in order to present the rescinding resolution. There have been few occasions in history on which a statesman has been thus formally tendered a signal act of reparation, and Sumner's colleagues were generous in their expressions of congratulation and good-will. It was a fitting close to a career which had often brought him into courageous conflict with popular sentiment. As Charles Sumner left the Senate chamber, that March afternoon, with the words of vindication from "the dear old commonwealth" still in his ears, friends noted with foreboding how haggard and ill he appeared. He was never to enter its doors again.

That evening two old friends sat long with him at dinner. Hardly had they gone, when Sumner was prostrated by a severe attack of pain at the heart. It was soon seen that the final struggle was at hand. Physicians and friends did everything to alleviate his sufferings. Schurz and Hoar were constantly by his side. Two colored men, friends of many years, served him now with the devotion of their race. In his moments of consciousness he

moaned, "My book, my unfinished book!" Even more upon his mind in these last hours was the cause for which he had worked so hard; again and again he said to Judge Hoar: "You must take care of the Civil Rights Bill,—my bill, the Civil Rights Bill,—don't let it fail!" Almost his last message was: "Tell Emerson how much I love and revere him." Judge Hoar promised to do so, and added: "He said of you once that he never knew so white a soul." The words of that beautiful tribute were almost the last which fell upon the ear of the dying man. The end came in the middle of the afternoon, March 11th. As he laid down the hand he had been holding, Judge Hoar broke the silence: "Well done, good and faithful servant, enter thou into the joy of thy Lord!"

The announcement of Sumner's death came with a shock of surprise to the country, and "in many quiet homes, in many a cabin of the poor and lowly, there was inexpressible tenderness and profound sorrow."[1] Both houses of Congress immediately adjourned. The following day, by their joint action the nation took the statesman's body into its keeping as a trust to be delivered to the commonwealth which he had so long served and so dearly loved. On a bleak March morning the funeral procession, led by a body of negroes headed by Frederick Douglass, made its way from Sumner's home to the Capitol. Here the body lay in state in the rotunda, and was viewed by thousands. The funeral service

[1] Judge E. R. Hoar, in the House of Representatives.

was held in the Senate chamber, in the presence of the President and cabinet, and a great concourse of those among whom his life-work had been done. From Washington the body was borne with large escort to his native city, meeting upon its journey many evidences of the deep grief of the people. A throng of Sumner's townsmen awaited his last home-coming. In the rotunda of the State House Senator Anthony, addressing the governor, rendered back to Massachusetts her illustrious dead. Here all day Sunday, guarded by colored soldiers, the body lay, while sorrowing thousands filed past. It was significant that Hayti, by the hand of her minister, sent her tribute of affection and gratitude to the man who had championed her right to national recognition, and who had later defended her menaced independence. The funeral service was held in King's Chapel, and thence this son of Boston, once so maligned but now so universally mourned, was borne over the Harvard bridge which he had so often trod, past the halls of the college he loved, to Mt. Auburn, the resting-place of the noble friends of his youth and manhood. Sumner's was a lonely life and a lonely death: among all those sorrowing thousands from the Senate chamber in Washington to Mt. Auburn there was not one man of his own kin. But at his open grave stood the stricken Vice-President, his comrade in a quarter of a century of struggle, and Longfellow, Holmes, Whittier and Emerson, whose friendship had been to him both solace and inspiration.

In death Sumner was accorded in full measure appreciation and praise which had been grudgingly given him in life. Preachers extolled his career and service, and the press teemed with kindly tributes. On the day set apart for his commemoration by Congress, nothing was more significant than the evidence, not in fulsome and conventional eulogy but in words of genuine grief, that even long-time opponents had come to know the real character of the man. Not only was he recognized as "the chief inspiring cause and guiding spirit of the anti-slavery revolution," but, as Senator Sherman declared, now that strife and personal feeling inevitably aroused by the heat of recent contests in the Senate were passing away, "Charles Sumner was by the judgment of his associates here, by the confidence of his constituents, by the general voice of the people, the foremost man in the civil service of the United States." The commonwealth of Massachusetts and the city of Boston both honored their distinguished son, calling to their service the loving eloquence of George William Curtis and Carl Schurz.

Two years before his death it is probable that no man, with the possible exception of Thaddeus Stevens, was so cordially hated throughout the South as was Charles Sumner. Yet the most sympathetically discerning characterization of this great "pioneer of agitation" came in tender words full of prophetic import from the lips of a Confederate soldier and statesman. Never had Lamar spoken "with a purpose more single to the interests

of our Southern people" than when from his place in the House of Representatives he paid a tribute to Charles Sumner in words full of hopeful significance that the antagonisms aroused by slavery, and civil war, and reconstruction were swiftly passing away. Said he: "Charles Sumner was born with an instinctive love of freedom, and was educated from his earliest infancy to the belief that freedom is the natural and indefeasible right of every intelligent being having the outward form of man. . . . And along with this all-controlling love of freedom, he possessed a moral sensibility keenly intense and vivid, a conscientiousness which would never permit him to swerve by the breadth of a hair from what he pictured to himself as the path of duty. There were combined in him the characteristics which have in all ages given to religion her martyrs, to patriotism her self-sacrificing heroes. To a man thoroughly permeated and imbued with such a creed and animated and constantly actuated by such a spirit of devotion, to behold a human being or a race of human beings restrained of their natural rights to liberty, for no crime by him or them committed, was to feel all the belligerent instincts of his nature roused to combat. The fact was to him a wrong which no logic could justify." Yet "in this fiery zeal and this earnest warfare against the wrong, as he viewed it, there entered no enduring personal animosity toward the men whose lot it was to be born to the system which he denounced." Lamar spoke with deep feeling of the kindness of

sympathy which, in his later years, Sumner had displayed toward the impoverished and suffering people of the South, and of the gracious magnanimity which had prompted his "battle-flag" resolution. "Charles Sumner in life believed that all occasion for strife and distrust between the North and South had passed away, and there no longer remained any cause for continued estrangement between these two sections of our common country. . . . Would that the spirit of the illustrious dead whom we lament to-day could speak from the grave to both parties to this deplorable discord in tones which should reach each and every heart throughout this broad territory, 'My countrymen, *know* one another and you will *love* one another.'"

CHAPTER XX

SUMNER'S LEADERSHIP

JUDICIOUS historians of the United States in the second half of the nineteenth century have accorded to Sumner in the years immediately following the Civil War a position of power and influence second only to that of Grant. To the reader born since the war and unprepared by special study of that period, this judgment comes as a surprise. Sumner's figure looms larger on the historian's page than in the popular mind, where he has been crowded into the background by famous generals, or executives, or legislators whose names are directly associated with some great constructive act.[1]

[1]Not altogether without significance as corroborating this statement are certain Massachusetts college entrance examination papers which have come under the writer's eye within the past few months. "A brief account of the life and public services of Charles Sumner" was called for. Very few of the papers showed any accurate focussing upon the man; the great majority indicated little more than that he was an anti-slavery orator, who was assaulted in the Senate. Among the answers were the following: "Sumner was an Englishman who came to the Colonies before the Revolution. He helped by giving food and clothing and would not receive any pay." "Sumner was always held in respect even by the people of the South. Fort Sumner, Charlestown, was named in his honor." Another goes more into detail: "When the Civil War broke out he was in command at Fort Sumter. He held that fort as long as possible and then sailed to New York. He continued fighting for the North throughout the war and at its close he hoisted the flag which he was forced

The reasons are not far to seek. Sumner's greatest services, and those he was best fitted to perform, were rendered before and during the Civil War, and were in a way merged in its results. There was significance in his very name: its early English form was Summoner,—"the title of officers whose duty it was to summon parties into courts." [1] Sumner's place in history is that of the Summoner of Slavery before the bar of the civilized world. The "Crime against Kansas" and "The Barbarism of Slavery" placed him in the front rank of the leaders of the rapidly approaching revolution. That he became a dominant factor in the attempted solution of the critical problems of reconstruction was due to a complex of causes, among which his arguments and eloquence were far from being the most important.[2]

Sumner was an idealist. He combined the un-

to haul down by the Confederates over Fort Sumter." A considerable number of other papers associated Sumner with Fort Sumter. Of course these papers were not of average intelligence. But that so large a proportion of this group of applicants for admission to a college in the commonwealth which Sumner served so long and with such distinction could show such abysmal ignorance of the man and of his work at the end of a single generation from the time of his death, does seem to confirm the statement that Sumner's fame, as compared with that of less influential leaders of his time, has suffered something of an eclipse.

[1] Pierce, Vol. I, p. 1.

[2] G. S. Boutwell suggests an interesting comparison between Sumner and Samuel Adams, each of whom showed more skill and intelligence in organizing the forces that brought on a revolution than in reconstructing the government upon the basis of the new conditions that had been created by that revolution. —*Sixty Years in Public Affairs*, Vol. II, p. 220.

yielding conscience of the Puritan with the burning zeal of a Hebrew prophet. He showed himself a prophet many times in his prevision of changes in popular sentiment quite beyond the sight of the shrewd politician. And he was a prophet, too, like Amos of old, in his fearless showing forth of the evils of his day, and in preaching righteousness and a judgment to come. Now there are diversities of gifts. If all men were prophets, where were the making of laws or the administering of government? Sumner, like all prophets, was by nature a doctrinaire. Even slavery, the sociologist makes clear, has not been everywhere and at all times an evil, and certainly in the United States in the fifties it was not everywhere so black as Sumner painted it. Nevertheless, the institution was utterly out of accord with the spirit of the Republic and with the nineteenth century, and had become so fruitful of moral, economic and political abuses that the time was more than ripe for its being swept away. The issue had become primarily one of morals, and Sumner's mind and heart admirably fitted him for the task of setting forth the enormity of African slavery in America and of marshaling the North to resist its aggressions. Again, in the first years of the war, no one foresaw more clearly that emancipation was inevitable, and no other man did so effective work in preparing the public mind to accept and support that great act of justice. These were tasks congenial to an idealist, to a prophet.

But the problems which presented themselves at

the end of the war were by no means simple moral issues, to be settled once and for all for the country by an idealist's appeal to his enlightened conscience. The reconstruction of a disordered commonwealth so that it may best accomplish the work of justice calls for talents of a different order from those needed for the destruction of an abuse. Sumner had entered political life at the top, undisciplined by the struggles through which alone most men reach that eminence. He had had singularly little experience in the adaptation of legislation to constructive ends and none at all in the practical work of carrying laws into effect in government. Yet the war was hardly a year old when Sumner began to ponder over the status of the seceded states and the problem of their future. Forthwith he propounded his celebrated theory that these states had committed suicide, and that upon the page wiped clean by their act of self-effacement Congress might write whatever it pleased as conditions precedent to the reincorporation of those communities in the Union. Sumner was not held in high regard by his associates in the Senate as an expounder of the Constitution,[1]

[1] With keen insight George William Curtis has pointed out that Sumner's attitude toward the Constitution in the days of the anti-slavery struggle had met a need of the times: "He sometimes adopted propositions of constitutional or international law which led straight to his moral end, but which would hardly have endured the legal microscope. Yet he maintained them with such fervor of conviction, such an array of precedent, such amplitude of illustration, that to the great popular mind, morally exalted like his own, his statements had the majesty and conclusiveness of demonstrations."

and this thesis commanded little attention at the time when it was first enunciated. Its logical inconsistencies were not far to seek, while the impolicy of adopting any such basis for reconstruction should have been apparent to a man who insisted as Sumner did—for Dominicans—that government must be by consent of the governed. The Supreme Court later repudiated this state-suicide theory. Why, then, did Congress come to accept it as a basis for action? Not because it was converted by Sumner's faulty logic or forceful eloquence, but because it was confronted by a most tangled political condition. If Lincoln had lived to deal tactfully with a Congress whose confidence he possessed, to guide the freedmen who idolized him and would have heeded his counsel, and to conciliate the best public sentiment among Southerners who were already coming to rely upon his justice, even then the problems of reconstruction must still have involved struggle and controversy; but it is not unreasonable to believe that their solution would have proved far more simple and enduring. If the Republican conven-

"And this, again, was what the time needed. *The debate was essentially, although under the forms of law, revolutionary.* It aimed at the displacement not only of an administration, but of a theory of the government, and of traditional usage that did not mean to yield without a struggle. It required, therefore, not the judicially logical mind, nor the fine touch of casuistry that splits, and halts, and defers until the cause is lost, but the mind so absolutely alive with the idea and fixed upon the end that it compels the means. John Pym was resolved that Strafford should be impeached, and he found the law for it. Charles Sumner was resolved that slavery should fall, and he found the Constitution for it."—*Eulogy on Sumner*, p. 154.

tion of 1864 had appreciated—what party leaders have not even yet learned from bitter experience—that not only patriotism but shrewd politics as well demand the selection of a candidate for Vice-President who in character and in executive efficiency is qualified for the presidential chair, Lincoln's lamented death would not have brought further disaster in the succession of a Johnson, with his genius for provoking dissension. Sumner in the Senate was intent upon protecting the colored race in its newly-gained freedom; Stevens in the House was resolved that the threatened defeat of the Republican party by Southern Democrats lately in rebellion should not be accomplished. And so these two men, antipathetic in almost everything but their hatred for slavery and all its works, found in the state-suicide theory a common basis for action and the logic of events presently brought Congress to follow in the way they were leading.

Negro suffrage was the other feature of reconstruction for which Sumner more than any other one man must bear the praise or blame. Almost alone in the Senate, in season and out of season, he urged that no distinction of race or of color must be drawn at the polls. And again, at last, the idealist and the politician found common standing ground. Sumner, a devotee of the doctrine of civil equality, insisted that there was need of the negroes' ballots as of their muskets for the protection of their newly gained rights. Stevens boasted that the vote of every enfranchised black could be relied

upon to uphold the menaced rule of the Republican party. Doubtless the belief was widely held that the maintenance of that party in power, even by such means, was essential, if the results of the war were to be assured. Nevertheless, it was the politician's arguments which brought Congress to adopt the policy that was treated with derision when first urged upon the Senate by the idealist.

In the days before Sumner came to consider himself the Moses of the negro race, he had seen suffrage problems in a different light. In 1843 he declared: "Our institutions, more than those of any other land, stand on intelligence. I believe in the capacity of the people to govern themselves, but only when disciplined by education and elevated by moral truth."[1] A few years later, he raised with his brother the question: "May not France set the example of founding her republic on intelligence, by requiring that every voter shall read and write?"[2] No man in Congress had a higher regard for the teachings of science than Sumner. Among his dearest friends was a scientist of the first rank who had devoted much careful study to race problems, and whose sage conclusions as to the future of the negro in America could not have failed to impress Sumner, had he faced the question free from the prejudices developed by years of controversy. As early

[1] Letter to Charlemagne Tower, Sept. 18. Pierce, Vol. II, p. 272.

[2] April 4, 1848. Pierce, Vol. III, p. 37.

as 1863, Louis Agassiz had written to Dr. Howe: "We should beware how we give to the blacks rights, by virtue of which they may endanger the progress of the whites before their temper has been tested by a prolonged experience." He emphasized the characteristics which ancient monuments proved had been from the dawn of history possessed by the negro race, and showed that while other races had founded empires and attained a high degree of civilization, "the negro race groped in barbarism and *never originated a regular organization among themselves.*" He therefore concludes: "I am not prepared to state what political privileges they are fit to enjoy now; though I have no hesitation in saying that they should be equal to other men before the law. The right of owning property, of bearing witness, of entering into contracts, of buying and selling, of choosing their own domicile, would give them ample opportunity of showing in a comparatively short time what political rights might properly and safely be granted to them in successive instalments. No man has a right to what he is unfit to use. Our own best rights have been acquired successively. I cannot, therefore, think it just or safe to grant at once to the negro all the privileges which we ourselves have acquired by long struggles. History teaches us what terrible reactions have followed too extensive and too rapid changes. Let us beware of granting too much to the negro race in the beginning lest it become necessary hereafter to deprive them of some of the priv-

ileges which they may use to their own and our detriment." [1]

But at the time when the problem of reconstruction had to be faced, Sumner had been denouncing slavery from the platform and in the Senate for twenty years. The term "slave-monger" had been so habitually upon his tongue that it had come in his thought to cover almost all Southern whites who had not at peril of their lives opposed secession. And so all the teachings of sociology as to the slow development of capacity for self-government he believed outweighed by the need of protecting the freedmen from falling under the rule of "slave-mongers." As early as 1866 he was insisting that the freedmen must have the ballot "(1) for his own protection; (2) for the protection of the white Unionist; and (3) for the peace of the country." Alas for the schemes of idealist and politician! Neither Sumner nor Stevens had many months to live, but the grave had not closed upon either of them before it became evident that in the ballot was to be found protection neither for the freedman nor for the white Unionist, while to the peace of the country hardly anything could have been more destructive. The orgy of misrule under ignorant

[1] *Life and Correspondence of Louis Agassiz*, Vol. II, p. 605. Quoted by Rhodes, Vol. VI, pp. 37–38, who also quotes Col. T. W. Higginson as saying that when Agassiz heard from him how admirably the negro soldiers had behaved both in camp and under fire, he said: "Then they must vote of course. The man who risks his life for his country has the right to vote in it. There is no question about that."

blacks manipulated by unprincipled whites led the natural leaders of the South in self-defense to unite in a determined effort to put an end to such an intolerable state of government.[1] Unrestricted negro suffrage, imposed for the purpose of protecting the Republican party at a critical juncture, did more than anything else to create the "Solid South," and to make any normal party development in that section impossible. Intelligent leaders of the negro race unhesitatingly declare that the indiscriminate gift of the ballot to the freedman was not even a doubtful boon; they frankly avow that it distracted him from the normal line of development, and that his best interests would have been subserved by the imposition of fair educational or even property tests, which would have made the franchise the reward of striving. But, as Agassiz feared, the ballot, thus hastily given, was soon practically taken away by force, intimidation or fraud. In more recent years constitutional amendments have

[1] Experience soon proved that Governor Andrew had a far clearer insight into the problem of reconstruction than the men who determined its solution in Congress. "I am confident we cannot reorganize political society with any security: 1. Unless we let in the *people* to a coöperation and not merely an arbitrarily selected portion of them. 2. Unless we give those who are, by their intelligence and character, the natural leaders of the people, and who surely will lead them by and by, an opportunity to lead them now." Valedictory address to the Massachusetts legislature, Jan. 4, 1866. Chandler's *Memoir of Andrew*, p. 251 *et seq.* Pearson's *Life of Andrew*, Vol. II, p. 276. Rhodes gives unstinted praise to Andrew's clear thought and magnanimous proposals, and thinks that his idea might have been realized, had it not been for the quarrel between the President and Congress. Vol. V, p. 607.

been generally adopted in the South, which, while undoubtedly working injustice to many negroes at the time of their adoption, give promise of more substantial justice in the future. The tacit acquiescence on the part of the country at large in this annulment of "equal suffrage" even by such crude and unfair devices as the "grandfather clauses" is significant of a vast change in public sentiment as to one of the cardinal features of the reconstruction policy which Sumner and Stevens brought Congress to adopt. At a conference upon education in the South in 1908, one of the most eminent educators in the country, himself a native of one of the border states, could command unhesitating assent in declaring: "We all realize, whether we live north or south of Mason and Dixon's line, that the law which placed the unlimited franchise in the hands of the negro was one of the greatest political blunders of our history." [1]

In dealing with the status of the seceded states and with the political rights of the negro, Sumner appears as an unpractical theorist, not free from prejudice. But his stand in these controversies of the closing years of his life should not be allowed to hide the real breadth and magnanimity of the man and the greatness of his service. Nor was Sumner so unpractical—in the narrow sense of the term—as is often implied. He was diligent in investigating important measures which did not fall within the range of his chief interest, and became a clear-

[1] Dr. Henry S. Pritchett, at Memphis, May 2, 1908.

headed and effective debater upon such practical questions as the tariff, the currency, postal regulations, and copyright. He was attentive to the wants of his constituents and efficient in his committee work. He would have proved a highly serviceable senator in ordinary times, though it is doubtful whether a man of his type could have been elected to the Senate or would have accepted an election to the Senate, except in such a crisis as that of 1850. Then the call was for the prophet.

For Sumner's great work was not the framing of laws; it was rather the kindling of moral enthusiasm, the inspiring of courage and hope, the assailing of public injustice. Sumner was emphatically "a pioneer of agitation." His "True Grandeur of Nations," which first brought him fame threescore years ago, is still a grand arsenal of weapons against war. Even at that early day he showed himself an earnest and far-sighted leader in the movement for international arbitration. His was the first clear programme proposed in Congress for the reform of the civil service. It was his timely and much-needed protest that checked illegal measures and ill-advised projects aiming at tropical expansion. It was his dauntless courage in denouncing compromise, in demanding the repeal of the Fugitive Slave Law, and in insisting upon emancipation that made him the chief initiating force in the struggle that put an end to slavery. It was he who urged the arming of the blacks. It was his courage and magnanimity that put a check upon barbarous at-

tempts at retaliation, whether in the treatment of Confederate prisoners, in the grant of letters of marque and reprisal, or in the seizure of unoffending citizens of foreign countries in return for wrongs inflicted upon Americans abroad. Finally, throughout the greatest crisis of our national history, it was the influence of Charles Sumner more than of any other one man that kept this country out of war with England and with France, when war with either of them would have meant the overthrow of the Union. If these be not the works of practical statesmanship, where shall such be found?

But through all his public life he served not so much by what he said or did as by what he was. He could truly say of himself: "The slave of principles, I call no party master." His power lay in his insight into moral forces and his ability to convert to his opinion the great public, by whose pressure his colleagues were often reluctantly brought to follow his standard. For the arts of the ordinary party manager he had no aptitude and little regard. Not once but many times he boldly forced issues which filled the party leaders with dismay and threatened to disrupt the anti-slavery forces. Nevertheless, as Curtis said, "the rank and file of the party, to borrow a military phrase, dressed upon Sumner," and in the later years, when dissensions had arisen and he took a course which most of his former comrades would not approve, "there were thousands and thousands of men who would be startled and confused to find themselves marching

in a political campaign out of step with Charles Sumner." [1]

Sumner's service has been well appraised by the man upon whom rather than upon any other his mantle fell. George Frisbie Hoar, another great senator from Massachusetts, said of him:

"Charles Sumner held a place in the public life of the country which no other man ever shared with him. . . . He was an idealist. He subjected every measure to the inexorable test of the moral law. Yet, at the same time, he was a powerful political leader, and in a time when the fate of the Republic was decided accomplished vast practical results. Where duty seemed to him to utter its high commands, he could see no obstacle in hostile majorities and no restraint in the lines of a written Constitution. It is right, therefore constitutional, was the logical formula with which he dealt with every question of state. We should be deaf and blind to all the lessons of history, if we were to declare it to be safe that men trusted with executive or even legislative power should act on that principle. Unfortunately, humanity is so constituted that the benevolent despot is likely to do more mischief even than a malevolent despot. His example of absolute disregard of constitutional restraints will be followed by men of very different motives. Yet the influence of one such man pressing and urging his companions forward in a legislative body like the Senate of the United States, keeping ever before the people the highest ideals, inspired by love of liberty, and ever speaking and working in the fear of God, is inestimable." [2]

[1] *Orations*, Vol. III, pp. 231–232.
[2] *Autobiography of Seventy Years*, Vol. I, p. 214.

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